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NEW DELHI, SATURDAY, DECEMBER 23, 1995/PAUSA 2, 1917

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be held as a
separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-Section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएँ
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(other than the Ministry of Defence)

कार्मिक, लोक निकायत तथा पेंशन मंत्रालय

(कार्मिक और प्रशिक्षण विभाग)

आदेश

नई दिल्ली, 1 दिसम्बर, 1995

का. आ. 3294. —केन्द्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मध्यप्रदेश सरकार के गृह विभाग के दिनांक 26-10-95 के आदेश सं. एफ. 44-53/95/सी-1 द्वारा प्राप्त मध्यप्रदेश सरकार की सहमति से दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता का विस्तार जिला उज्जैन के निम्नलिखित अपराध मामलों के अभ्येष्ट के लिए सम्पूर्ण मध्यप्रदेश राज्य पर करती है:—

(1) थाना माहिदपुर, जिला उज्जैन का आयुध अधिनियम की 25(1), 27(2) के अन्तर्गत अपराध सं. 166/95 दिनांक 22-7-95

(2) थाना माहिदपुर, जिला उज्जैन का आयुध अधिनियम की धारा 25(1), 27 के अन्तर्गत अपराध सं. 169/95 दिनांक 30-7-95

(3) थाना माहिदपुर, जिला उज्जैन का आयुध अधिनियम की धारा 25/27 के अन्तर्गत अपराध सं. 170/95 दिनांक 30-7-95

(4) थाना माहिदपुर, जिला उज्जैन का आयुध अधिनियम की धारा 25/27 के अन्तर्गत अपराध सं. 171/95 दिनांक 30-7-95

(5) थाना माहिदपुर, जिला उज्जैन का आयुध अधिनियम की धारा 25/27 के अन्तर्गत अपराध सं. 172/95 दिनांक 30-7-95

(6) थाना माहिदपुर, जिला उज्जैन का आयुध अधिनियम की धारा 25/27 के अन्तर्गत अपराध सं. 173/95 दिनांक 2-8-95

(7) याता माहदपुर, जिला उज्जैन का आयुध अधिनियम की धारा 25/27 के अन्तर्गत अपराध सं. 174/95 दिनांक 2-8-95

(8) याता नागवा, जिला उज्जैन का आयुध अधिनियम की धारा 25(1), 27(2) के अन्तर्गत अपराध सं. 237/95 दिनांक 26-7-95.

(9) याता राघवी, जिला उज्जैन का आयुध अधिनियम की धारा 25(1), 27(2) और भारतीय दंड संहिता की धारा 122/123 के अन्तर्गत अपराध संख्या 85/95 दिनांक 26-7-95

तथा उक्त अपराधों में संबंधित या उनसे संयुक्त किसी प्रयत्नों, दुष्परणों और गडबडों तथा आयुध अधिनियम और भारतीय दंड संहिता की धारा 122/123 आदि के अन्तर्गत अपराधों के बारे में जिला उज्जैन के पुलिस स्टेशन में रजिस्टर किए गए उक्त अपराध मामलों के संबंध में वैसे ही संयन्त्रालय के प्रयत्न में किए गए अथवा उन्हीं तथ्य अथवा तथ्यों से उद्भूत अन्य अपराध।

[सं. 228/64/95-ए वी डी -II]

एस. सौन्दर राजन, अवसर सचिव

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS

(Department of Personnel & Training)

ORDER

New Delhi, the 1st December, 1995

S.O. 3294.—In exercise of the powers conferred by Sub-Section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act 25 of 1946), the Central Government with the consent of the Government of Madhya Pradesh vide Government of Madhya Pradesh, Home Department Order Number F. 44-53/95/C-1 dated 26-10-1995 hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Madhya Pradesh for the investigation of offences in the following Crime Numbers of District Ujjain :—

- (1) Crime Number 166/95 u/s. 25(1), 27(2) Arms Act, dated 22-7-1995 PS Mahidpur, District Ujjain.
- (2) Crime Number 169/95 u/s. 25(1), 27 Arms Act, dated 30-7-1995 PS Mahidpur, District Ujjain.
- (3) Crime No. 170/95 u/s. 25/27 Arms Act, dated 30-7-1995 PS Mahidpur, District Ujjain.
- (4) Crime No. 171/95 u/s. 25/27 Arms Act, dated 30-7-1995 PS Mahidpur, District Ujjain.

(5) Crime No. 172 u/s. 25/27 Arms Act, dated 30-7-1995 PS Mahidpur, District Ujjain.

(6) Crime No. 173/95 u/s. 25/27 Arms Act, dated 2-8-1995 PS Mahidpur, District Ujjain.

(7) Crime No. 174/95 u/s. 25/27 Arms Act, dated 2-8-1995 PS Mahidpur, District Ujjain.

(8) Crime No. 237/95 u/s. 25(1), 27(2) Arms Act, dated 26-7-1995 of PS Nagda, District Ujjain.

(9) Crime No. 85/95 u/s. 25(1), 27(2) Arms Act and 122/123 of IPC dated 26-7-1995 of PS Raghvi, District Ujjain.

And any attempts, abetments and conspiracies in relation to or in connection with the said offences and any other offences committed in the course of the same transaction or arising out of the same fact or facts in regard to above Crime Numbers registered in Police Stations of District Ujjain relating to offences under Arms Act and Section 122/123 of IPC etc.

[No. 228/64/95-AVD. II]

S. SOUNDER RAJAN, Under Secy.

MINISTRY OF FINANCE

(Department of Revenue)

CORRIGENDUM

Calcutta, the 18th October, 1995

INCOME-TAX

S.O. 3295.—In the notification No. 1441 (F. No. DG/IT(E)/AP-9/35(1)(ii)/90-IT(E) dated 29th August, 1995 issued in the case of Administrative Staff College of India, the words clause (iii) shall be substituted for the words 'clause (ii)' appearing on the first page of the notification.

[No. DG/AP-9/Cal/35(1)(iii)/90-IT(E)/1662]

R. SINGH, Dy. Director

केन्द्रीय उत्पाद शुल्क आयुक्त का कार्यालय

मद्रास, 10 नवम्बर, 1995

(सं. 3/95 सीमा शुल्क (एन. टी.)

का.प्र. 3296.—सं. एतद्वारा, सीमा शुल्क अधिनियम, 1962 की धारा 9 (1962 के 52) जो भारत सरकार, वित्त मंत्रालय, राजस्व विभाग, नई दिल्ली के दिनांक 1-7-1994 के अधिसूचना सं. 33/94-सीमा शुल्क (एन. टी.) के साथ पठित, के अधीन प्रदत्त शक्तियों का उपयोग करने हुए, तमिल नाडू राज्य के कामराजर जिला, सातूर तालुका के "शिवकाशी टाऊन" की सीमा शुल्क अधिनियम, 1962 (1962 के 5) के अन्तर्गत 100% निर्यातान्मुख उपग्रहों को स्थापित करने हेतु भांडागारण स्टेशन घोषित करता है।

[फाइल सं. IV 16/188/95-टी. 1]

ए. के. छाबड़ा, आयुक्त

(OFFICE OF THE COMMISSIONER OF
CENTRAL EXCISE)

Madurai, the 10th November, 1995

No. 3/95-CUSTOMS(NT)

S.O. 3296.—In exercise of the powers conferred on me under Section 9 of the Customs Act, 1962 (52 of 1962), read with Notification No. 33/94-Customs (NT) dated 01-07-1994 of the Government of India, Ministry of Finance, Department of Revenue, New Delhi, I hereby declare 'SIVAKASI TOWN' of Sattur Taluk, Kamarajar District in the State of Tamilnadu to be a warehousing station under the Customs Act, 1962 (52 of 1962) for the purpose of setting up of 100 per cent Export Oriented Undertakings.

[File No. IV/16/188/95-T.1]

A. K. CHABRA, Commissioner

OFFICE OF THE COMMISSIONER OF
CENTRAL EXCISE & CUSTOMS
NOTIFICATION NO. 298/15

Indore, the 29th November, 1995

S.O. 3297.— The following Group 'B' Officers of Office of the Commissioner of Central Excise & Customs, Indore having attained the age of superannuation retired from Govt. service from the dates as shown against their names :—

S.No.	Name of the Officer	Designation	Date of retirement on superannuation.
1	2	3	4
	S/Shri		
1.	S.G. Pathak	Superintendent	30-4-95 (A.N.)
2.	R.D. Jharia	Superintendent	30-4-95 (A.N.)
3.	R.A. Singhal	Administrative Officer	31-5-95 (A.N.)
4.	G.N. Mishra	Superintendent	30-6-95 (A.N.)
5.	S.K. Mendhe	Superintendent	30-6-95 (A.N.)
6.	J.C. Asthana	Superintendent	31-8-95 (A.N.)

[F.No. II(3)9-Con/93/6029]

GOVINDAN S. TAMPI, Commissioner.

कार्यालय आयुक्त केन्द्रीय उत्पाद शुल्क एवं सीमा शुल्क

अधिसूचना संख्या 298/95

इन्दौर, 29 नवम्बर, 1995

का.आ. 3297.—आयुक्त कार्यालय, केन्द्रीय उत्पाद शुल्क एवं सीमा शुल्क, इंदौर के निम्नलिखित समूह "ख" अधिकारी निवर्तन आयु प्राप्त करने पर उनके नाम के आगे दर्शाए गए दिनांक से प्रारंभिक सेवा से निवृत्त हुए :—

क्र.सं. अधिकारी नाम	पदनाम	निवर्तन आयु प्राप्त करने पर सेवानिवृत्ति की तारीख
सर्व/श्री		
01. एन. जी. पाठक	अधीक्षक	30-04-95 (अपराह्न)
02. आर. डी. जरिया	अधीक्षक	30-04-95 (अपराह्न)
03. आर. ए. सिंह	प्रशासनिक अधिकारी	31-05-95 (अपराह्न)
04. जी. एन. मिश्रा	अधीक्षक	30-06-95 (अपराह्न)
05. एस. के. मेंडे	अधीक्षक	30-06-95 (अपराह्न)
06. जे. सी. अस्थाना	अधीक्षक	31-08-95 (अपराह्न)

[प. सं. II(3)9-गोप/93/6029]

गोविंदन शे तंपी, आयुक्त

अधिसूचना संख्या 297/95

विदेश मंत्रालय

इन्दौर, 29 नवम्बर, 1995

नई दिल्ली, 27 नवम्बर, 1995

का.आ. 3298—कार्यालय आयुक्त, केन्द्रीय उत्पाद शुल्क, इन्दौर के सर्वश्री पी.के. पाण्डे एवं आर.बी. पीडियार, द्वय अधीक्षक, केन्द्रीय उत्पाद शुल्क, समूह "ख" का देशान्तर क्रमशः दिनांक 03-05-95 एवं 28-05-95 को हो गया।

[फा.सं. II(3)-9-गोप/93/5983]

गोविन्दन शे. तंपी, आयुक्त

NOTIFICATION NO. 297/95

Indore, the 29th November, 1995

S.O. 3298.—Shri P. K. Pandey and Shri R. B. Pidiyar, Superintendents, Central Excise & Customs, Group 'B' of Office of The Commissioner of Central Excise & Customs, Indore expired on 03-05-95 and 28-05-95 respectively.

[C. No. II(3)9-Con/93/5983]

GOVINDAN S. TAMPI, Commissioner.

(राजस्व विभाग)

नई दिल्ली, 11 दिसम्बर, 1995

का.आ. 3299.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिये प्रयोग) नियम, 1976 के नियम 10 के उपनियम (4) के अनुसरण में राजस्व विभाग के अधीन सीमा शुल्क उत्पाद शुल्क एवं स्वर्ण (नियंत्रण) अपील अधिकरण, आर. के. पुरम, नई दिल्ली कार्यालय को, जिनके कर्मचारीवृन्द ने हिन्दी का कार्य-साधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है।

[फा.सं. ई-11017/21/95-हिन्दी-4]

नितिन मुखर्जी, अपर सचिव (प्रशासन)

(Department of Revenue)

New Delhi, the 11th December, 1995

S.O. 3299.—In pursuance of Sub-rule (4) of rule 10 of the Official Language (Use for Official Purposes of the Union) Rules, 1976, the Central Government hereby notifies the Appellate Tribunal for Customs, Excise & Gold (Control) R. K. Puram, Office under the Department of Revenue, the Staff whereof have acquired the working knowledge of Hindi.

[F. No. E. 11017/21/95-Hindi-IV]

N. N. MOOKERJEE, Addl. Secy. (Admn.).

का.आ. 3300.—राजनयिक कौंसली अधिकारी (शपथ एवम् शुल्क) अधिनियम, 1948 (1948 का 41वां) की धारा 2 के अंक (क) के अनुसरण में केन्द्रीय सरकार एतद्वारा भारत का दूतावास लिस्बन में सहायक श्री एस. के. यादव को 26 अक्टूबर, 1995 से कौंसली एजेंट का कार्य करने के लिए प्राधिकृत करती है।

[नं. टी-4330/1/95]

प्रताप सिंह, अपर सचिव (कौंसली)

MINISTRY OF EXTERNAL AFFAIRS

New Delhi, the 27th November, 1995

S.O. 3300.—In pursuance of the Clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948 (41 of 1948), the Central Government hereby authorises Shri S. K. Yadav, Assistant in the Embassy of India Lisbon to perform the duties of Consular Agent with effect from 26th October, 1995.

[No. T. 4330/1/95]

PRATAP SINGH, Under Secy. (Cons.)

नई दिल्ली, 27 नवम्बर, 1995

का.आ. 3301.—राजनयिक कौंसली अधिकारी (शपथ एवम् शुल्क) अधिनियम 1948 (1948 का 41वां) की धारा 2 के अंक (क) के अनुसरण में केन्द्रीय सरकार एतद्वारा भारत का प्रधान कौंसलावास ओडेसा में सहायक श्री एस. एल. गुप्ता को 12 अक्टूबर, 1995 से कौंसली एजेंट का कार्य करने के लिए प्राधिकृत करती है।

[सं. टी-4330/1/95]

प्रताप सिंह, अपर सचिव (पीवीएस)

New Delhi, the 27th November, 1995

S.O. 3301.—In pursuance of the Clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948 (41 of 1948), the Central Government hereby authorises Shri S. L. Gupta, Assistant in Consulate General of India Odessa to perform the duties of Consular Agent with effect from 12th October, 1995.

[No. T. 4330/1/95]

PRATAP SINGH, Under Secy. (Cons.)

वाणिज्य मंत्रालय

(विदेश व्यापार महानिदेशालय)

डी. ई. एस. -3 (इंजीनियरिंग) अनुभाग

नई दिल्ली, 11 दिसम्बर, 1995

का. आ. 3302.—मै. इंगरसोल रैण्ड (इंडिया) लिमिटेड, रोम, पोलेक्स हाउस, एस. के. अहीरे मार्ग, बम्बई-400025 को लाईसेंस जारी होने की तारीख से 12 महीनों की वैधता अवधि सहित डी ई ई सी बुक सं. 144071, दिनांक 23-5-1994 (भाग -1) (आगत)

एवं 2 (निर्यात) सहित 10,95,90,000.00 रु. (34,79,050.00 अमरीकी डॉलर) निर्यात आभार के साथ 7,91,63,000.00 रु. (25,13,111.00 अमरीकी डॉलर) के लागत बीमा भाड़ा मूल्य के लिए अग्रिम लाईसेंस सं. पी. /एल/ 3488571, दिनांक 23-5-1994 प्रदान किया गया था। फर्म ने अब इस आधार पर डी ई ई सी बुक भाग-2 निर्यात की अनुमिति प्रति जारी करने के लिए आवेदन किया है कि वह खो गई / अस्वानस्थ हो गई है। फर्म ने आवश्यक शपथ-पत्र दायित्व किया है तदनुसार डी ई ई सी बुक 10,95,90,000.00 रु. के लिए वस्तुसिमाशुल्क प्राधिकरण के पास पंजीकृत है। फर्म ने शपथपत्र में इस आशय की घोषणा भी शामिल की है कि यदि उक्त डी ई ई सी बुक बाद में मिल जाती है तो इसे जारी करने वाले प्राधिकारी को लौटा दिया जाएगा।

2. संतुष्ट होने पर कि मूल डी ई ई सी बुक (भाग-2 निर्यात) खो गई है, अग्रोहस्ताक्षरी निदेश देते हैं कि डी ई ई सी बुक भाग-2, निर्यात की अनुमिति आवेदन को जारी कर दी जाए। में विदेश व्यापार (विकास एवं विनियमन) अधिनियम 1992 की धारा 9 की उपधारा (4) में प्रदत्त शक्तियों का प्रयोग करते हुए एतद्वारा मूल डी ई ई सी बुक सं. 144071 दिनांक 23-5-94 (भाग-2 निर्यात) को रद्द करती हैं।

[फा. सं. 01/81/40/2558/एएम-94/डी ई एस-3/ 3862]

रीता माथुर, उप महानिदेशक

विदेश व्यापार कृते महानिदेशक
विदेश व्यापार

MINISTRY OF COMMERCE

DIRECTORATE GENERAL OF FOREIGN TRADE

UDYOG BHAWAN : NEW DELHI-11

DES-III(ENGG.) SECTION

New Delhi, the 11th December, 1995

S.O. 3302.—M/s. Ingersoll-land (India) Limited, Rhone-Poulence House, S. K. Ahire Marg, Bombay-400025 were granted an Advance Licence No. P/L/3488571 Dated 23-5-1994 for CIF Value of Rs. 7,91,63,000.00 (US \$ 25,13,111.00) with an Export Obligation of Rs. 10,95,90,000.00 (US \$ 34,79,050.00) alongwith DEEC Book No. 144071 Dated 23-5-1994 Part I (Import) & II (Export) with a validity of 12 months from the date of issue of the Licence. Now the firm have applied for grant of duplicate copy of DEEC Book Part II-Export on the ground that the same have been lost/misplaced. The firm have furnished necessary affidavit accordingly to which the DEEC Book is Rs. 10,95,90,000.00 registered with Bombay Customs authority. A declaration has also been incorporated in the affidavit to the effect that if the said DEEC Book is traced or found later on, it will be returned to the issuing Authority.

2. On being satisfied that the Original DEEC Book (Part II-Export) have been lost, the undersigned directed that duplicate DEEC Book Part II-Export should be issued to the applicant. I also, in exercise of the powers conferred in sub-clause (4) of Clause 9 of the Foreign Trade (Development and Regulation) Act, 1992, hereby cancel the Original DEEC Book No. 144071 Dated 23-5-1994 (Part II-Export).

[File No. 01/81/40/2558/AM-94/DES-III/3862]

RITA MATHUR, Dy. Director General of Foreign Trade for Director General of Foreign Trade.

विदेश व्यापार महानिदेशक

उद्योग भवन,

नई दिल्ली, 13 दिसम्बर 1995

फा. प्रा. 3303—जैसरा वाग्ने टायर्स इन्टरनेशनल लि., हेमकुन्त टावर 98, नेहरू प्लेस, नई दिल्ली को मूल्य आधारित अग्रिम लाईसेंस संख्या 1521860, दिनांक 14-8-92 जारी किया गया था जिसके तहत 5,82,23,000 00 रु. लागत बीमा भाड़ा मूल्य के (1) नाथयोन टायर्स कार्ड वार्षिक अथवा रेवन टायर्स कार्ड वार्षिक में रिटन-फौंड आटोमोबाइल टायर (2) कुल 8,73,34,000.00 रु. के पान पर्यन्त निः शुल्क मूल्य के बुटाइल टायर के निर्यात उत्पाद आभार के साथ विभिन्न मदों का आयात करना था। यह लाईसेंस शुल्क छूट हस्ताक्षरी प्रमाणपत्र (डी ई ई सी) क्रमांक 055635 (भाग-1) आयात और 055635 (भाग-2 निर्यात) सहित जारी किया गया था।

2. फर्म ने अब इस आधार पर शुल्क छूट हस्ताक्षरी प्रमाणपत्र (भाग-2 निर्यात) की डुप्लीकेट प्रति जारी करने हेतु आवेदन किया है कि मूल कागजात डी ई ई सी सेल सीमाशुल्क कलैक्टर, कलकत्ता में 27-9-94 को लगी आग में नष्ट हो गया था।

3. अपने कथन के समर्थन में, लाईसेंसधारक ने नॉटरी पब्लिक के समक्ष शपथपत्र पर हस्ताक्षर दायर किया है। में, तदनुसार संतुष्ट हूँ कि मूल डी ई ई सी बुक संख्या 055635 (भाग-2 निर्यात) डी ई ई सी सेल, सीमाशुल्क कलैक्टर, कलकत्ता में 27-9-94 को लगी आग में नष्ट हो गई है। विदेश व्यापार (विकास और विनियमन) अधिनियम 1992 की धारा 9(4) और विदेश व्यापार विनियमन नियम 1993 के नियम 10 के तहत प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स वोल्के टायर्स इन्टरनेशनल लि., नई दिल्ली को जारी उक्त मूल डी ई ई सी बुक संख्या 055635 (भाग-2 निर्यात) एतद्वारा रद्द की जाती है।

उपरोक्त रद्द डी ई ई सी बुक के स्थान पर एक डुप्लीकेट डी ई ई सी बुक (भाग-2 निर्यात) संख्या 183737 नई दिल्ली को जलम से जारी की जा रही है।

[फा. सं. 01/80/40/149/एएम-93/डी ई एस 5]

एन. एन. भट्टाची,

उप महानिदेशक, विदेश व्यापार

नूतने महानिदेशक, विदेश व्यापार

New Delhi, the 13th December, 1995

S.O. 3303.—M/s. Bombay Tyres International Ltd., Hemkunt Tower 98, Nehru Place, New Delhi were issued a value based advance licence No. 1521860 dated 14-8-92 for import of various items for cif value of Rs. 5,82,23,000.00 with an obligation to export product (1) Automobile Tyres reinforced with Nylon tyres-cord warpsheet OR rayon tyres cord warp sheet (2) butyl tubes for total FOB value Rs. 8,73,34,000.00. This licence was issued alongwith duty Exemption Entitlement Certificate (DEEC) bearing serial Nos. 055635 (Part-I import) and 055635 (part-II export).

2. The firm has now applied for issue of duplicate Duty Exemption Entitlement Certificate (Part-II Export) on the ground that the original has been destroyed in the fire that broke out in the DEEC Cell, Collector of Customs, Calcutta on 27-9-94.

3. In support of their contention, the licensee has filed an affidavit on stamped paper duly sworn in before a Notary Public. I am accordingly satisfied that the original DEEC BOOK NO. 055635 (Part-II Export) has been destroyed in the fire that broke out in the DEEC Cell, Collector of Customs, Calcutta on 27-9-94. In exercise of the powers conferred under section 9(4) of Foreign Trade (Development of Regulation) Act 1992 and Rule 10 of the Foreign Trade Regulation Rules 1993, the said original DEEC Book No. 055635 (Part-II Export) issued in favour of M/s. Bombay Tyres International Ltd., New Delhi is hereby cancelled.

A duplicate DEEC Book (Part-II export) No. 183737 in lieu of aforesaid cancelled DEEC Book is being issued to the party separately.

[F. No. 01/80/40/149/AM-93/DES-V]

M. L. BHUTANI,

Dy. Director General of Foreign Trade
For Director General of Foreign Trade

नागरिक पूर्ति, उपभोक्ता मामले और सार्वजनिक वितरण मंत्रालय

भारतीय मानक ब्यूरो

नई दिल्ली, 4 दिसम्बर, 1995

का.आ. 3304.—भारतीय मानक ब्यूरो नियम, 1987 के नियम, 7 के उपनियम (1) की खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिस/जिन भारतीय मानक/मानकों का/के विवरण नीचे अनुसूची में दिया गया है/विए गए हैं वह/वे स्थापित हो गया है/हो गये हैं।

अनुसूची

क्रम सं.	स्थापित भारतीय मानक (कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिरिक्त भारतीय मानक अथवा मानकों यदि कोई हों की सं. और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आई एस 1135 : 1995 कमानियां स्वच्छल वाहनों के लिये पत्तीदार कमानी समुच्चय—विशिष्ट (पांचवां पुनरीक्षण)	आई एस 1135 : 1989	1995-10-31
2.	आई एस 1890 (भाग 2) : 1995 भान्साय और इकाइयां भाग 2 भौतिक विज्ञानों और प्रौद्योगिकी में प्रयुक्त गणितीय चिन्ह और प्रतीक (दूसरा पुनरीक्षण)	आई एस 1890 (भाग 2) : 1982	1995-08-31
3.	आई एस 1970 : 1995 फसल संरक्षण उपस्कर—हस्तचालित पीठ पर लादा जाने वाला संपीड़न फुहरा—विशिष्ट (पांचवां पुनरीक्षण)	आई एस —	1995-10-31
4.	आई एस 2347 : 1995 घरेलू प्रेशर कुकर—विशिष्ट (चौथा पुनरीक्षण)	आई एस 2346 : 1987	1995-10-31
5.	आई एस 3736 : 1995 कैनबस के बूट, एबड़ सोल—विशिष्ट (दूसरा पुनरीक्षण)	आई एस 3736 : 1983	1995-10-31

(1)	(2)	(3)	(4)
6. आई एस 3843 : 1995 इस्पात के पिछले पल्ले के कब्जे-विशिष्ट (दूसरा पुनरीक्षण)	आई एस 3843 : 1985		1995-07-31
7. आई एस 4009 (भाग 3) : 1995 स्नेहन उपकरण-ग्रीस निष्पन्न भाग 3 कप टाइप-विशिष्ट	--		1995-10-31
8. आई एस 4353 : 1995 मृदु इस्पात और अल्प मिश्र इस्पात की निमज्जन आर्क वेल्डिंग-सिफारिशों (पहला पुनरीक्षण)	आई एस 4353 : 1967		1995-09-30
9. आई एस 5759 : 1994 प्रतिहिम शीतलक-विशिष्ट (पहला पुनरीक्षण)	आई एस 5759 : 1970		1994-12-31
10. आई एस 8534 (भाग 3) : 1995 खान टब युग्मन और कर्षण शलाकाएं भाग 3 आर-शैकल और लिंक टाईप (पहला पुनरीक्षण)	आई एस 8534 (भाग 3) : 1977		1995-10-31
11. आई एस 8783 (भाग 2) : 1995 निमज्जन मोटरों के वार्डिंग तार-विशिष्ट भाग 2 परावैद्युत और जैकेट की सामग्रियां (पहला पुनरीक्षण)	आई एस 8783 : 1978		1995-09-30
12. आई एस 8783 (भाग 4/अनु 3) : 95 निमज्जन मोटरों के वार्डिंग तार-विशिष्ट भाग 4 अलग-अलग तारों की विशिष्ट अनुभाग 4 क्रासलिदार पालिएथाइलीन विद्युत् रोधित और पालिएमाईड जैकेटदार तार (पहला पुनरीक्षण)	आई एस 8783 : 1978		1995-10-31
13. आई एस 8887 : 1995 सड़कों के लिये विटुमैत पायस (धनायनी टाईप)-विशिष्ट (पहला पुनरीक्षण)	आई एस 8887 : 1979		1995-10-31
14. आई एस 9283 : 1995 निमज्जन पम्पसेटों के लिये मोटरों-विशिष्ट (पहला पुनरीक्षण)	आई एस 9283 : 1979		1995-10-31
15. आई एस 9301 : 1990 गहराई से पानी निकालने के हृषदर में-विशिष्ट (तीसरा पुनरीक्षण)	आई एस 9301 : 1990		1995-09-30
16. आई एस 9885 (भाग 2) : 1995 तेल-क्षेत्र के कामगारों के सुरक्षा बूट-विशिष्ट भाग 2 रबड़ का अपल्ला (पहला पुनरीक्षण)	आई एस 9885 (भाग 2) : 1982		1995-10-31
17. आई एस 11676 : 1995 घरेलू और समान प्रयोजनों के लिये सूक्ष्म तरंग अवतन-विशिष्ट (पहला पुनरीक्षण)	आई एस 11676 : 1988		1995-09-30
18. आई एस 11709 : 1995 इस्पात इन्वेस्टमेंट ढलाइयों की तकनीकी वितरण शर्तें (पहला पुनरीक्षण)	आई एस 11709 : 1986		1995-07-31

1	2	3	4
19.	आई एस 11852 (भाग 8) : 1995 स्वचल वाहन-ब्रेक और ब्रेक संकेतों की सिफारिशें भाग 8 परीक्षण क्रियाविधि	---	1995-10-31
20.	आई एस 12441 (भाग 1) : 1995 स्वचल वाहन-हवा भरे टायर भाग 1 यात्री वाहन के लिये टायर- शिज्य प्लार्ड-विशिष्ट (पहला पुनरीक्षण)	आई एस 12441 : 1988	1995-09-30
21.	आई एस 14165 : 1995 कार्मिकनैजिक पदार्थों का प्रहसन-सुरक्षा रंहिता	---	1995-07-31
22.	आई एस 14212 : 1995 सोडियम और पोटेसियम सिलिकेट-परीक्षण पद्धतियां	---	1995-07-31
23.	आई एस 14263 : 1995 कृषीप पम्पिंग प्रणाली के लिये टैयर-विशिष्ट	---	1995-06-30
24.	आई एस 14289 : 1995 निकल और सिश निकल की इस्त टंगस्टन अक्रिय-गैस आर्क वैल्टिंग-सिफारिशें	---	1995-08-31
25.	आई एस 14292 : 1995 बम्बादि-शाडी ऊनी ग्रैक कम्बल-विशिष्ट	---	1995-10-31
26.	आई एस 14294 : 1995 ज्योटीवसटाईल ड्राई लिथिंग तकनीक द्वारा अभासी छिद्र (नेपरन्ट ओपनिंग साईज) ज्ञात करने की पद्धति	---	1995-09-30
27.	आई एस 14295 : 1995 कैलियम फ्लोराईड-विशिष्ट	---	1995-10-31
28.	आई एस 14302 : 1995 उच्च तापसह उद्योग के लिये पुलिन मिट्टी सिलिकेट- विशिष्ट	---	1995-09-30
29.	आई एस 14324 : 1995 सूक्खादि-जल- पारगम्यता ज्ञान करने की परीक्षण पद्धतियां- अनुसतता	---	1995-10-31

इन मानकों की प्रतियां भारतीय मानक ब्यूरो, मानक भवन, 9 यशपुराह जफर मार्ग, नई दिल्ली-110002 और क्षेत्रीय कार्यालयों बम्बई, कलकत्ता, चण्डीगढ़ तथा मद्रास और शाखा कार्यालयों अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयंबटूर, फरीदाबाद, गांधीवादा, गुवाहाटी, देवरायद, जयपुर, काठपुर, लखनऊ, पटना और तिरुवनन्तापुरम में विक्री हेतु उपलब्ध हैं।

[सं. के प्रवि/13: 2]

एस.के. कर्मकार, अपर महानिदेशक

MINISTRY OF FOOD AND CIVIL SUPPLIES

(Department of Civil Supplies)

BUREAU OF INDIAN STANDARDS

New Delhi, the 4th December, 1995

S.O. 3304.— In pursuance of clause (b) of Sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules 1987, the Bureau of Indian Standards hereby notifies that the Indian Standard(s), particulars of which is/are given in the Schedule hereto annexed, has/have been established on the date indicated against each :

THE SCHEDULE

Sl. No.	No. year and Title of the Indian Standard(s) Established	No. and year of the Indian Standard or Standards, if any, superseded by the new Indian Standard	Date of Establishment
1	2	3	4
1.	IS 1135 : 1995—Springs—Leaf springs assembly for automobiles – Specification (Fifth Revision)	IS 1135 : 1989	95-10-31
2.	IS 1890 (Part 11) : 1995—Quantities and units Part 11 Mathematical signs and symbols for use in the physical sciences and technology. (Second Revision)	IS 1890 (Pt. II) : 1982	95-08-31
3.	IS 1970 : 1995—Crop protection equipment – Hand-operated compression knapsack sprayer – Specification (Fifth Revision)	—	95-10-31
4.	IS 2347 : 1995 – Domestic pressure cookers – Specification (Fourth Revision)	IS 2347 : 1987	95-10-31
5.	IS 3736 : 1995 – Canvas boots. rubber sole – Specification (Second Revision)	IS 3736 : 1983	95-10-31
6.	IS 3843 : 1995 – Steel back flap hinges – Specification (Second Revision)	IS 3843 : 1985	95-07-31
7.	IS 4009 (Part 3) : 1995 – Lubricating equipment – Grease nipples Part 3 Cup Type – Specification	—	95-10-31
8.	IS 4353 : 1995 – Submerged ARC welding of mild steel and low alloy steels – Recommendations (First Revision)	IS 4353 : 1967	95-09-30
9.	IS 5759 : 1994 – Antifreeze coolant – Specification (First Revision)	IS 5759 : 1970	94-12-31
10.	IS 8534 (Part 3) : 1995 – Mine tub couplings and drawbars Part 3 R-Shackle and link type (First Revision)	IS 8534 (Part 3) : 1977	95-10-31

1	2	3	4
11.	IS 8783 (Part 2) : 1995 – Winding wires for submersible motors – Specification Part 2 Materials for dielectric and jacket (First Revision)	IS 8783 : 1978	95-09-30
12.	IS 8783 (Part 4 Sec 2) : 95 Winding wires for submersible Motors – Specification Part 4 Specification for individual wires Section 2 Crosslinked Polyethylene Insulated and Polyamide jacketed wires (First Revision)	IS 8783 : 1978	95-01-31
13.	IS 8887 : 1995 – Bitumen emulsion for roads (Cationic type) – Specification (First Revision)	IS 8887 : 1978	95-10-31
14.	IS 9283 : 1995 – Motors for submersible pumpsets – Specification (First Revision)	IS 9283 : 1979	95-10-31
15.	IS 9301 : 1990 – Deepwell handpumps – Specification (Third Revision)	IS 9301 : 1990	95-09-30
16.	IS 9885 (Part 2) : 1995 – Protective boots for oil field workmen – Specification Part 2 Rubber Upper (First Revision)	IS 9885 (Pt. 2) : 1982	95-10-31
17.	IS 11676 : 1995 – Microwave ovens for household and similar purposes – Specification (First Revision)	IS 11676 : 1986	95-09-30
18.	IS 11709 : 1995 – Technical delivery conditions for investment castings of steel (First Revision)	IS 11709 : 1986	95-07-31
19.	IS 11852 (Part 8) : 1995 – Automotive vehicles – Recommendations for brakes and braking systems Part 8 Test procedure	—	95-10-31
20.	IS 12441 (Part 1) : 1995 – Automotive vehicles – Pneumatic tyres Part 1 Passenger car tyres – Radial ply – Specification (First Revision)	IS 12441 : 1988	95-09-30
21.	IS 14165 : 1995 – Handling carcinogenic substances – Code of safety.	—	95-07-31
22.	IS 14212 : 1995 – Sodium and potassium silicates – Methods of test	—	95-07-31
23.	IS 14263 : 1995 – Tapers for agricultural pumping systems – Specification.	—	95-06-30
24.	IS 14289 : 1995 – Manual tungsten inert-gas ARC welding of nickedl and nickld alloys – Recommendations (Second Revision)	—	95-08-31
25.	IS 14292 : 1995 – Textiles – Shoddy woollen barrack blankets – Specification	—	95-10-31

1	2	3	4
26.	IS 14294 : 1995 – Geotextiles – Method for determination of apparent opening size by dry sieving technique	---	95-09-30
27.	IS 14295 : 1995 – Calcium fluoride – Specification.	---	95-10-31
28.	IS 14302 : 1995 – Beach sand silimanite for refractory industry – Specification.	---	95-09-30
29.	IS 14324 : 1995 – Geotextiles – Methods of test for determination of water permeability – Permittivity.	---	95-10-31

Copies of these Indian Standards are available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110 002 and Regional Offices : New Delhi, Calcutta, Chandigarh, Madras and Bombay and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Faridabad, Ghaziabad, Guwahati, Hyderabad, Jaipur, Kanpur, Lucknow, Patna, Thiruvananthapuram.

[No. CMD : 13 : 2]

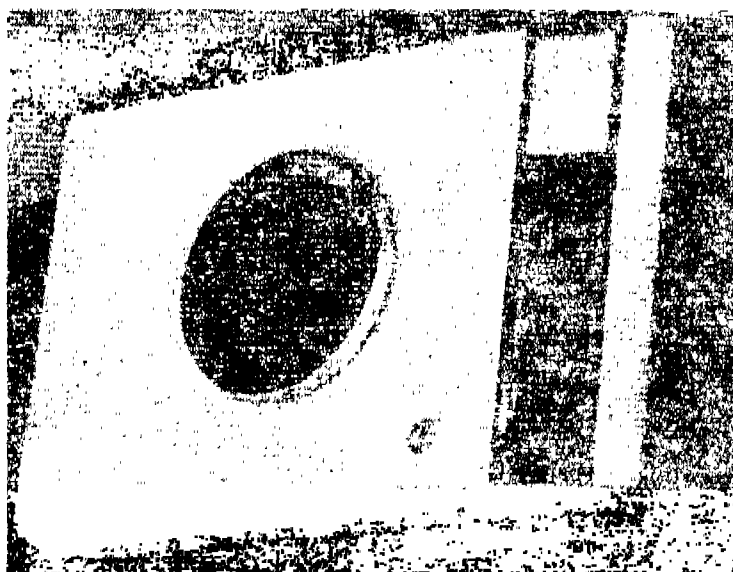
S.K. KARMAKAR, Addl. Director Gen.

अर्वाध मे यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा देना रहेगा;

नई दिल्ली, 7 दिसम्बर, 1995

का.आ. 3305.—केन्द्रीय सरकार का विहित प्राधिकारी द्वारा उसे प्रस्तुत की गई रिपोर्ट पर विचार करने के पश्चात् समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल बांट और माप मानक अधिनियम, 1976 (1976 का 60) और बांट और माप मानक (माडल का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि उक्त माडल लगातार प्रयोग की

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, "एफ एक्स-320" ब्रांड नाम वाले स्वतः सूचक और गैर-स्वचालित टेबल टॉप तौलन उपकरण के माडल का (जिसे इसमें इसके पश्चात् माडल कहा गया है) जिसका विनिर्माण मैसर्स मुम्बई वर्मन ट्रेडिंग कंपनी 334-ए, से जेड, इंडस्ट्रियल इस्टेट, जी. कदम मार्ग, लोवर पारेल, मुम्बई और जिस अनुमोदन चिह्न आई.एन. डी./09/95/06 मनुदेणित किया गया है, अनुमोदन प्रमाण पत्र प्रकाशित करती है;



(आकृति)

माडल (आकृति) देखिए एक उच्च यथार्थता (यथार्थता वर्ग 2) का टेबल टॉप तोलन उपकरण है जिसकी अधिकतम क्षमता 310 ग्राम और न्यूनतम क्षमता 200 मिलीग्राम है। मत्यापन भाग मान अंतर (ई) 10 मिलीग्राम है। इसमें एक टेयर युक्ति है जिसका व्यक्तिगत प्रति-धारण टेयर प्रमाण 100 प्रतिशत है। आधार और भार ग्राही धातु के बने हुए हैं। वृत्ताकार भारग्राही 105 मिलीमीटर आकार का है। प्रकाश उत्सर्जन हामोल संप्रदर्श तोल परिणाम उपदर्शित करता है। यह उपकरण 230 वोल्ट, 50 हर्टज के प्रत्यावर्ती धारा विद्युत् प्रदाय पर प्रचालित होता है।

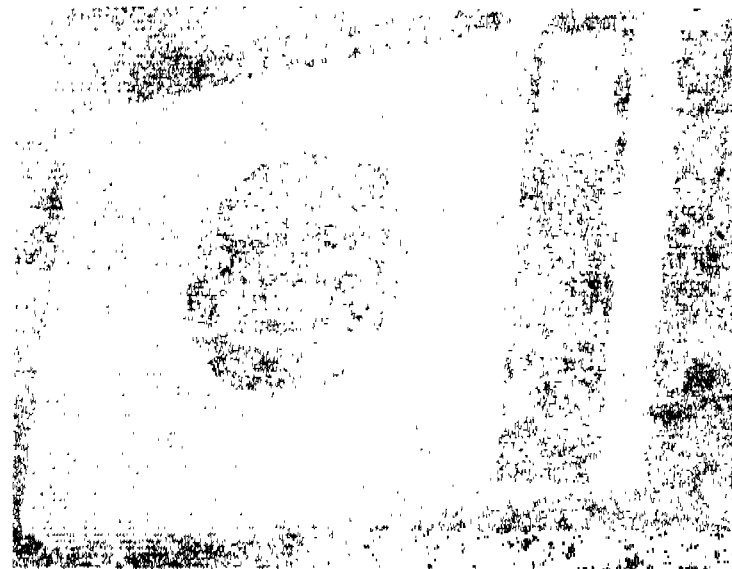
[फा. म. डब्ल्यू. एन. 21(21)/92]

राजीव श्रीवास्तव, संयुक्त सचिव

New Delhi, the 7th December, 1995

S.O. 3305.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain accuracy over periods of sustained use and to render accurate service under varied conditions ;

Now, therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of the self-indicating, non-automatic table top weighing instrument with brand name "FX-320" (hereinafter referred to as the Model) manufactured by M/s. Bombay Burmah Trading Co. 334-A to Z, Industrial Estate, G. Kadam Marg, Lower Parel, Bombay, and which is assigned the approval mark IND/09/95/06.



(Figure)

The Model (see figure) is a high accuracy (accuracy class II) table top weighing instrument with a maximum capacity of 310 gram and minimum capacity of 200 mg. The verification scale interval (e) is 10 mg. It has a tare device with a 100 per cent subtractive retained tare effect. The base and the load receptor are made up of metal. The circular

load receptor is of size 105 millimetre. The display through LED indicates the weighing result. The instrument operates on 230 volts, 50 hertz alternate current power supply.

[F. No. WM-21(21)/92]

RAJIV SRIVASTAVA, Jt. Secy.

मानव संसाधन विकास मंत्रालय
(शिक्षा विभाग)

नई दिल्ली, 8 दिसम्बर, 1995

का. मा. 3306—अखिल भारतीय तकनीकी शिक्षा परिषद् अधिनियम, 1978 (1978 की संख्या 52) की धारा 4 की उपधारा (1) के साथ पढ़ी जाने वाली धारा 3 की उपधारा 4 (टी) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार एतद्वारा दिनांक 9 नवम्बर, 1995 की पूर्वाह्न से प्रो. जे. पी. गुप्ता को अखिल भारतीय तकनीकी शिक्षा परिषद् का सदस्य-सचिव नियुक्त करती है।

[नं. एफ. 8-72/93 टी डी. 1 /टी एम /11]

डॉ. अशोक चन्द्रा, उपशिक्षा सलाहकार (तकनीकी)

MINISTRY OF HUMAN RESOURCE
DEVELOPMENT

(Department of Education)

New Delhi, the 8th December, 1995

S.O. 3306.—In exercise of the powers conferred by Sub-Sections (4) (1) of Section 3 read with Sub-Section (1) of Section 4 of the All India Council for Technical Education, Act, 1987 (52 of 1987), the Central Government hereby appoints Prof. J. P. Gupta as Member-Secretary, All India Council for Technical Education with effect from the forenoon of November 9, 1995 for a period of three years.

[No. F. 8-72/93. TD. 1/TS/11]

DR. ASHOK CHANDRA, Dy. Educational Adviser
(Technical).

कोयला मंत्रालय

नई दिल्ली, 13 दिसम्बर, 1995

का.आ. 3307—केन्द्रीय सरकार को यह प्रतीत होता है कि इससे उपाबद्ध अनुसूची में उल्लिखित भूमि में कोयला अभिप्राप्त किये जाने की संभावना है ;

अतः अब, केन्द्रीय सरकार, कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस क्षेत्र में कोयले का पूर्वेक्षण करने के अपने आशय की सूचना देती है ;

इस अधिसूचना के अधीन आने वाले रेखांक सं. एम.सी.एल./ए.ए.एम.बी./सी.जी.एम./पी.एंडपी./एस्टेट/ का निहा/95/5 तारीख 23 सितम्बर, 1995 का निरीक्षण प्रमुख महा प्रबंधक, कार्पोरेशन प्रोजेक्ट एंड प्लेनिंग विभाग, महानदी कोलफील्ड्स लि., आनन्द विहार, बुरला-768 018 के कार्यालय में या कलकटर और जिना मजिस्ट्रेट, अंगुल, उड़ीसा के कार्यालय में या कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट, कलकत्ता के कार्यालय में किया जा सकता है।

इस अधिसूचना के अधीन आने वाली भूमि में हितबद्ध सभी व्यक्ति उक्त अधिनियम की धारा 13 की उपधारा (7) में निर्दिष्ट सभी नक्शों, चाटों और अन्य दस्तावेजों को, इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से नब्बे दिन के भीतर, भार-साधक विभागाध्यक्ष (राजस्व), महानदी कोलफील्ड्स लि., आनन्द विहार, बुरला, सम्बलपुर, पिनकोड-768018 (उड़ीसा) को भेजेंगे।

अनुसूची

कानिहा ब्लॉक

तालचैर कोयला क्षेत्र

जिला-अंगुल (उड़ीसा)

रेखांक सं. एम.सी.एल./एस.ए.एम.बी./सी.जी.एम./पी.एंडपी./सम्पदा/कानिहा/95/5, तारीख 23 सितम्बर, 1995

क्र. सं.	ग्राम का नाम और संख्या	पुलिस थाना	थाना सं.	उपमण्डल तहसील	जिला	क्षेत्र एकड़ में	टिप्पणियाँ
1	2	3	4	5	6	7	8
1.	कानिहा 131	कानिहा	60	तालचैर	अंगुल	136.00	भाग
2.	कांसमुन्दा 136	कानिहा	63	तालचैर	अंगुल	208.50	भाग
3.	कन्धूमरा 198	कानिहा	99	तालचैर	अंगुल	103.10	सम्पूर्ण
4.	लाधाबन्धी 179	कानिहा	93	तालचैर	अंगुल	95.00	भाग

1	2	3	4	5	6	7	8
5.	मालपासी 158	कानिहा	67	तालचुर	अंगुल	38.00	भाग
6.	नाकानाका 197	कानिहा	100	तालचेर	अंगुल	143.01	सम्पूर्ण
7.	पाथरमुन्दा 178	कानिहा	91	तालचेर	अंगुल	475.30	भाग
8.	तेलीसिंगा 177	कानिहा	90	तालचेर	अंगुल	730.02	सम्पूर्ण
9.	अद्वैत प्रसाद 156	कानिहा	63	तालचेर	अंगुल	70.00	भाग
10.	अम्बापाला 194	कानिहा	98	तालचेर	अंगुल	346.21	सम्पूर्ण
11.	बिजी गोल 192	कानिहा	95	तालचेर	अंगुल	180.50	भाग
12.	दान्हू सिन्हा 195	कानिहा	102	तालचेर	अंगुल	350.00	भाग
13.	गन्दुरीनाली 159	कानिहा	88	तालचेर	अंगुल	110.00	भाग
14.	जयपुर 155	कानिहा	64	तालचेर	अंगुल	11.00	भाग
15.	जरदा 176	कानिहा	89	तालचेर	अंगुल	747.50	भाग
16.	जमानिया 157	कानिहा	66	तालचेर	अंगुल	101.27	सम्पूर्ण
कुल						3845.41 या 1556.216 हैक्टेयर	

कानिहा ब्लॉक

सीमा वर्णन :

- क—ख रेखा कानिहा ग्राम में “क” से आरम्भ होती है और कानिहा कांसमुन्दा, जयपुर, अद्वैत प्रसाद, मालपासी और गन्दुरीनाली से होकर गुजरती है तथा गन्दुरीनाली तथा गोइलन्दा गांवों की सम्मिलित सीमा के साथ-साथ जाती है और बिन्दु “ख” पर मिलती है।
- ख—ग रेखा, गन्दुरीनाली और जरदा गांव के से होकर गुजरती है और तेलीसिंगा तथा पाथरगादी आरक्षित वन की सम्मिलित सीमा के साथ साथ जाती है और दंदा सिन्हा और कामरेई की सम्मिलित सीमा के साथ-साथ दंदासिन्हा गांव में से गुजरती है और बिन्दु “ग” पर मिलती है।
- ग—घ रेखा दंदासिन्हा और देहुरीभुई गांव की सम्मिलित सीमा के साथ-साथ गुजरती है और बिन्दु “घ” पर मिलती है।
- घ—ङ रेखा नाकानाका और देहुरीभुई गांव की सम्मिलित सीमा के साथ साथ गुजरती है और बिन्दु “ङ” पर मिलती है।
- ङ—च रेखा नाकानाका और कंदासारा गांवों की पूर्वी सीमा जोकि सिधाड़ा नदी का पश्चिमी किनारा भी है, के साथ-साथ गुजरती है और बिन्दु “च” पर मिलती है।
- च—क रेखा कंदासारा और कलसी बरनी कंदासारा और बाडादंगुआ, अंबुपाल और बाडादंगुमा की सम्मिलित सीमा के साथ-साथ जाती है, बीजीगोल दोधाबंघा, पाथरमुन्दा और कानिहा गांवों से गुजरते हुए आरम्भिक बिन्दु “क” से मिलती है।

[फा.सं. 43015/16/95-एलएसडब्ल्यू]

श्रीमती प्रेमलता सैनी, अवर सचिव

MINISTRY OF COAL

New Delhi, the 13th December, 1995

S.O. 3307.—Whereas it appears to the Central Government that Coal is likely to be obtained from the locality mentioned in the Schedule hereto annexed.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act), the Central Government hereby gives notice of its intention to prospect for coal therein.

The plan bearing No. MCL/SAMB/CGM(CP&P)/Estate/Kaniha/95/5 dated the 23rd September, 1995 of the area covered by this notification can be inspected at the office of the Chief General Manager, Corporate Project and Planning Department, Mahanadi Coalfields Limited, Anand Vihar, Burla-768018 or at the office of the Collector and District Magistrate, Angul, Orissa or at the office of the Coal Controller, 1. Council House street Calcutta

All persons interested in the land covered by this notification shall deliver all maps, charts and other documents referred to in sub-section (7) of section 13 of the said Act to the Officer in-Charge Head of the Department (Revenue, Mhandi Coalfields Limited, Anand Vihar, Bhubaneswar, Orissa) within ninety days from the date the Publication of this notification in the Official Gazette.

SCHEDULE
KANIHA BLOCK
TALCHER COALFIELD
DISTRICT—ANGUL (ORISSA)

Plan bearing No. MCL/SAMB/CGM (CP&P)/Estate/Kaniha/95/5 dated 23rd, September 1995.

Sl. No.	Name of Village and number	Police Station	Thana No.	Sub-Division Tahasil	District	Area in Acres	Remarks
1.	Kaniha 131	Kaniha	60	Talcher	Angul	136.00	Part
2.	Kansamunda 136	Kaniha	63	Talcher	Angul	208.50	Part
3.	Kandasara 198	Kaniha	99	Talcher	Angul	103.10	Full.
4.	Lodhabandha 179	Kaniha	93	Talcher	Angul	95.00	Part.
5.	Malapas 158	Kaniha	67	Talcher	Angul	38.00	Part.
6.	Nakanaka 197	Kaniha	100	Talcher	Angul	143.01	Full.
7.	Patharmunda 178	Kaniha	91	Talcher	Angul	475.30	Part.
8.	Telisinga 177	Kaniha	90	Talcher	Angul	730.02	Full.
9.	Adaita Prasad-156	Kaniha	65	Talcher	Angul	70.00	Part.
10.	Ambapala 194	Kaniha	98	Talcher	Angul	346.21	Full.
11.	Bijigol 192	Kaniha	95	Talcher	Angul	180.50	Part
12.	Dandasinha 195	Kaniha	102	Talcher	Angul	350.00	Part.
13.	Gundurinali 159	Kaniha	88	Talcher	Angul	110.00	Part.
14.	Jaipur 155	Kaniha	64	Talcher	Angul	11.00	Part.
15.	Jarada 176	Kaniha	89	Talcher	Angul	747.50	Part.
16.	Jamania 157	Kaniha	66	Talcher	Angul	101.27	Full.
Total						3845.41 or 1556.216 hectares (approximately)	

Boundary description :—

A-B	Line starts from 'A' in village Kaniha and passes through Villages-Kaniha, Kansamunda Jaipur, Adaita Prasad, Malapas & Gundurinali and runs along the common boundary of villages Gundurinali and Goilanda and meets at point 'B'.
B-C	Line passes through the Villages Gundurinali and Jarada and runs along the common boundary of villages Telisinga and Matheragadi Reserve Forest and Dandasinha and Kamrei and then through village Dandasinha and meets at point 'C'.
C-D	Line passes along the common boundary of villages Dandasinha and Dehuribhuin and meets at point 'D'.
D-E	Line passes along the common boundary of villages Nakanaka and Dehuribhuin and meets at point 'E'.
E-F	Line passes along the Eastern boundary of villages Nakanaka and Kandasara which is also western edge of River Singada and meets at point 'F'.
F-A	Line passes along the common boundary of villages Kandasara, and Kalasiberrni Kandasara and Baradangua, Ambapala and Baradangua, and passes through villages Bijigol, Lodhabandha, Patharmunda, and Kaniha and meets at starting point 'A'.

[No. 43015/16/95-LSW.]

MRS. P.L. SAINI, Under Secy.

स्वास्थ्य और परिवार कल्याण मंत्रालय

(स्वास्थ्य विभाग)

नई दिल्ली, 28 नवम्बर, 1995

विश्वविद्यालय या
आयुर्विज्ञान संस्थान
अर्हतामान्यताप्राप्त
आयुर्विज्ञान
अर्हतारजिस्ट्रीकरण के लिए संक्षे-
पाक्षरगुवाहाटी विश्व-
विद्यालयडॉक्टर ऑफ एम. डी. (रेडियो डायग-
नेसिस नोमिस) (यह अर्हता तब मान्य-
(रेडियोडायग ताप्राप्त आयुर्विज्ञान अर्हता
नोमिस) होगी जब वह 3 मार्च,
1989 को या उसके पश्चात् प्रदान की गई हो)मास्टर ऑफ एम. एस. (आर्थोपैडिक्स)
सर्जरी (आर्थो- (यह अर्हता तब मान्यता-
पैडिक्स) प्राप्ता आयुर्विज्ञान अर्हता
होगी जब वह 20 दिस-
ंबर, 1989 को या इसके पश्चात् प्रदान की गई हो)"

का.आ. 3308—केन्द्रीय सरकार, भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की की धारा 11 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारतीय आयुर्विज्ञान परिषद् से परामर्श करने के पश्चात् उक्त अधिनियम की प्रथम अनुसूची (जिसे इसमें इसके पश्चात् उक्त अनुसूची कहा गया है) में निम्नलिखित और संशोधन करती है, अर्थात्:—

उक्त अनुसूची में विद्यमान प्रविष्टियों के पश्चात् निम्नलिखित प्रविष्टियों जोड़ी जाएंगी, अर्थात्:—

[सं. वी. 11015/33/94-एम ई (यू. जी.)]

शरत कुमार मिश्रा, डेस्क अधिकारी

MINISTRY OF HEALTH AND FAMILY WELFARE

(Department of Health)

New Delhi, the 8th November, 1995

S.O. 3308.— In exercise of the powers conferred by sub-section (2) of section 11 of the Indian Medical Council Act, 1956 (102 of 1956) hereinafter referred to as the said Act, the Central Government, after consulting the Medical Council of India, hereby makes the following further amendments in the First schedule to the said Act, hereinafter referred to as the said Schedule, namely:—

In the said schedule, after the existing entries, the following entries shall be added, namely:—

University or Medical Institution	Recognised Medical Qualification	Abbreviation for registration
"Guwahati University	Doctor of Medicine (Radio-Diagnosis)	— M.D. (Radio-Diagnosis) (This qualification shall be recognised medical qualification when granted on or after 3rd March, 1989)
	Master of Surgery (Orthopaedics)	— M.S. (Orthopaedics) (This qualification shall be recognised medical qualification when granted on or after 20th December, 1989)."

[No. V-11015/33/94—ME(UG)]

S.K. MISHRA, Desk Officer

नई दिल्ली, 28 नवम्बर, 1995

का.आ. 3309.—भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) की धारा 3 की उपधारा (1) के खंड (ख) के अनुसरण में डा. पी. सत्यनारायण राव को, उस्मानिया विश्वविद्यालय की एकेडमिक सीनेट के सदस्यों द्वारा 4 नवंबर, 1994 से भारतीय आयुर्विज्ञान परिषद् के सदस्य के रूप में निर्वाचित किया है;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 3 की उपधारा (1) के अनुसरण में, तत्कालीन स्वास्थ्य मंत्रालय की अधिसूचना संख्या का.आ. 13, तारीख 7 जनवरी, 1960 में निम्नलिखित और संशोधन करती है, अर्थात् :—

उक्त अधिसूचना में, “धारा 3 की उपधारा (1) के खंड (ख) के अधीन निर्वाचित” शीर्षक के नीचे क्रम संख्यांक 12 और उसमें संबंधित प्रविष्टियों के स्थान पर निम्नलिखित क्रम संख्यांक और प्रविष्टियाँ रखी जाएंगी, अर्थात् :—

“12. डा. पी. सत्यनारायण राव उस्मानिया विश्वविद्यालय”।
संकायाध्यक्ष आयुर्विज्ञान संकाय,
उस्मानिया विश्वविद्यालय,
हैदराबाद।

[फा. सं. बी-11013/1/95-एम.ई. (यू.जी.)]

भारत कुमार मिश्रा, डेस्क अधिकारी

टिप्पण :—मूल नियम भारत के राजपत्र में अधिसूचना संख्या का. आ. 138, दिनांक 9 जनवरी, 1960 के द्वारा प्रकाशित किया गया था।

New Delhi, the 28th November, 1995

S.O. 3309.—Whereas in pursuance of clause (b) of sub-section (1) of section 3 of the Indian Medical Council Act, 1956 (102 of 1956) Dr. P. Satyanarayana Rao has been elected by the members of the Academic Senate of Osmania University to be a member of the Medical Council of India with effect from 4th November, 1994;

Now, therefore, in pursuance of sub-section (1) of section 3 of the said Act, the Central Government hereby makes the following further amendment in the notification of the erstwhile Ministry of Health number S.O. 138, dated the 9th January, 1960, namely :—

In the said notification, under the heading “Elected under clause (b) of sub-section (1) of section 3” for serial number 12 and the entries relating thereto, the following serial number and entries shall be substituted, namely :—

“12. Dr. P. Satyanarayana Rao, Osmania University.”
Dean,
Faculty of Medicine,
Osmania University,
Hyderabad.

[No. V. 11013/1/95-ME(UG)]
S. K. MISHRA, Desk Officer

Footnote.—The principal notification was published in the Gazette of India vide notification number S.O. 138, dated the 9th January, 1960.

गृहरी कार्य एवं रोजगार मंत्रालय

(सम्पदा निदेशालय)

नई दिल्ली, 8 दिसम्बर, 1995

का. आ. 3310—सरकारी निवास स्थान आबंटन (दिश्री में सामान्य पत्र) नियमावली, 1963 के एम.आर.

2940 CI/95—3

317-बी-2 की धारा (बी) के अनुसरण में क्रम सं.—राजपति एतद्वारा अधिसूचित करते हैं कि जो आबंटन वर्ग 1-1-94 को आरम्भ हुआ था 31 दिसम्बर, 1995 को समाप्त नहीं होगा और पहले से ही प्राप्त आवेदनों के आधार पर आबंटन जारी रहेगा।

[फाइल सं. 12035/10/93-नीति-II]

महेश अरोड़ा, गम्पदा उपनिदेशक (नीति)

MINISTRY OF URBAN AFFAIRS AND EMPLOYMENT
(Directorate of Estates)

New Delhi, the 8th December, 1995

S.O. 3310.—In pursuance of Clause (b) of SR-317-B-2 of the Allotment of Government Residences (General Pool in Delhi) Rules, 1963, the President hereby notifies that the Allotment year which has commenced on 1-1-94 will not end on 31st December, 1995 and allotments will continue to be made as per the Applications already invited.

[F. No. 12035/10/93-Pol.II]

MAHESH ARORA, Dy. Director (Policy)

विद्युत् मंत्रालय

नई दिल्ली, 7 दिसम्बर, 1995

का.आ. 3311—सार्वजनिक आवास (अनधिकृत अधिभोजना) अधिनियम, 1971 (1971 का 40) की धारा 3 के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा, नीचे दी गई तालिका के कालम (1) में उल्लिखित अधिकारी की, राष्ट्रीय ताप विद्युत् निगम, जो कि एक सांविधिक प्राधिकरण है, में, भारत सरकार के राजपत्रित अधिकारी के समकक्ष पद होने के कारण अधिनियम के प्रयोजनों के लिये संपदा अधिकारी के रूप में नियुक्त करते हैं जो प्रदत्त शक्तियों का उपयोग करेगा और कथित तालिका के कालम (2) में की गई सदृश प्रविष्टि में विनिर्दिष्ट सार्वजनिक आवास की श्रेणियों से संबंधित कथित अधिनियम द्वारा अथवा के अन्तर्गत संपदा अधिकारी पर लागू कर्तव्यों को निभाएगा।

तालिका

अधिकारी का नाम और पद	सार्वजनिक आवास की श्रेणियाँ
(1)	(2)
श्री मोएज उद्दीन अहमद धरिष्ठ कानून अधिकारी ओरिया गैस पावर परियोजना पी.ओ. दिबियापुर जिला इटावा उत्तर प्रदेश, पिन : 206 244	सभी आवास, जो कि पूर्ण स्वा- मित्व में हैं अथवा उससे संबंधित हैं अथवा जिन्हें राष्ट्रीय ताप विद्युत् निगम द्वारा लीज पर लिया गया है और जो पी.ओ. दिबियापुर, जि. इटावा, उत्तर प्रदेश पिन : 206244 स्थित इसकी ओरिया गैस पावर परियोजना के प्रशासनिक नियंत्रण में है।

[सं. 8/92-यू. एस. (सी.टी.)]

रमेश चन्द्र, अवर सचिव

MINISTRY OF POWER

New Delhi the 7th December, 1995

S.O. 3311.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971) the Central Government hereby appoints the officer mentioned in column (1) of the table below, being an officer of the National

Thermal Power Corporation Limited, a Statutory authority and equivalent to the rank of a gazetted officer of the Government of India, to be an Estate officer for the purpose of the said Act who shall exercise the powers conferred and perform the duties imposed on Estate officer by or under the Act in respect of the categories of public premises specified in the corresponding entry in column (2) of the said table.

TIME TABLE

Name and designation of officer (1)	Categories of public premises (2)
Shri Moiz Uddin Ahmad, Senior Law Officer, Auraiya Gas Power Project, P.O. Dibiyapur, District Etawah, Uttar Pradesh, Pin: 206244.	All premises owned or belonging to as free hold or taken on lease by the National Thermal Power Corporation Limited and under the administrative control of its Auraiya Gas Power Project at P.O. Dibiyapur, District Etawah, Uttar Pradesh, Pin: 2006244.

[No. 8/6/92-US(CT)]

RAMESH CHANDER, Under Secy.

संचार मंत्रालय

(दूरसंचार विभाग)

नई दिल्ली, 14 नवम्बर, 1995

का.आ. 3312—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिये प्रयोग) नियम, 1976 के नियम 10(1) के अनुसरण में संचार मंत्रालय के प्रशासनिक नियंत्रणाधीन गुजरात सर्किट के निम्नलिखित कार्यालयों, जिनमें 80% से अधिक कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को एतद्वारा अधिसूचित करती है :—

1. दूरसंचार जिला प्रबंधक, गोधरा
2. उप मंडल अधिकारी तार, गोधरा
3. उप मंडल अधिकारी तार, गोधरा (आई/डी)
4. उप मंडल अधिकारी तार, दाहोद
5. उप मंडल अधिकारी तार, दाहोद (आई/डी)
6. उप मंडल अधिकारी तार, लुणावाडा
7. उप मंडल अधिकारी तार, देवगढ़ बागिया ।

[सं. ई-11016/1/94-राजभाषा]

एच.सी. शर्मा, उप निदेशक (राजभाषा)

MINISTRY OF COMMUNICATION

(Department of Telecommunications)

New Delhi, the 14th November, 1995

S.O. 3312.—In pursuance of rule 10(4) of the Official Language (Use for Official purposes of the Union) rule, 1976 the Central Government hereby notifies following offices of Gujarat Circle, in which 80 per cent employees have acquired working Knowledge of Hindi :

1. Telecom. Distt. Manager, Godhra
2. Sub-Divisional Officer Telegraph, Godhra

3. Sub-Divisional Officer Telegraph, Godhra (I/D)

4. Sub-Divisional Officer Telegraph, Dahod

5. Sub-Divisional Officer Telegraph, Dahod (I/D)

6. Sub-Divisional Officer Telegraph, Loonawara

7. Sub-Divisional Officer Telegraph, Deogarh Baria

[No. E-11016/1/94-OL]

H. C. SHARMA, Dy. Director (OL)

नई दिल्ली, 28 नवम्बर, 1995

का.आ. 3313.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिये प्रयोग) नियम, 1976 के नियम 10(4) के अनुसरण में संचार मंत्रालय के प्रशासनिक नियंत्रणाधीन गुजरात सर्किट के निम्नलिखित कार्यालयों, जिनमें 80% से अधिक कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को एतद्वारा अधिसूचित करती है :—

गुजरात दूरसंचार सर्किट, अहमदाबाद

1. दूरसंचार जिला प्रबंधक, पालनपुर
2. उप मंडल अधिकारी (फोन्स), पालनपुर
3. उप मंडल अधिकारी तार, पालनपुर
4. उप मंडल अधिकारी (फोन्स), डीसा
5. उप मंडल अधिकारी तार, डीसा

[सं. ई-11016/1/94-राजभाषा]

एच.सी. शर्मा, उप निदेशक (भाषा)

New Delhi, the 28th November, 1995

S.O. 3313.—In pursuance of rule 10(4) of the Official Language (Use for official purposes of the Union) rule, 1976 the Central Government hereby notifies following of Gujarat Circle, the Ministry of Communication where of more than 50 per cent had have acquired working knowledge of Hindi :

GUJARAT TELECOM. CIRCLE, AHMEDABAD

1. Telecom, Distt Manager, Palanpur
2. Sub-Divisional Officer (Phones), Palanpur
3. Sub-Divisional Officer Telegraph, Palanpur
4. Sub-Divisional Officer (Phones), Deesa
5. Sub-Divisional Officer Telegraph, Deesa.

[No. E-11016/1/94-OL]

H. C. SHARMA, Dy. Director (OL)

श्रम मंत्रालय

नई दिल्ली, 23 नवम्बर, 1995

क्र.आ. 3314 .—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी वी एम बी के प्रवक्तृत्व के संवद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चण्डीगढ़ के पंचपट को प्रवर्तित करती है, जो केन्द्रीय सरकार को 21-11-95 को प्राप्त हुआ था ।

[सं. एन-12012/120/86-डी-2 (बी)]

राजा लाल, डेस्क अधिकारी

MINISTRY OF LABOUR

New Delhi, the 23rd November, 1995

S.O. 3314.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Chandigarh as shown in the Annexure in the industrial dispute between the employers in relation to the management of B.B.M.B. and their workmen, which was received by the Central Government on 21-11-95.

[No. L-12012/120/86-D.II (B)]

RAJA LAL, Desk Officer

ANNEXURE

IN THE COURT OF SHRI S. R. BANSAL, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT (CENTRAL) CHANDIGARH

Case No. I. D. 9/89

Shri Jugal Kishore

Workman.

V/S

B.B.M.B. and Others

Management.

For the Workman—Shri R. K. Singh.

For the Management—Shri C. L. Sarin.

AWARD

Dated, the 28th October, 1995

The Central Government in exercise of powers conferred by Section 10(2A)(ii) of the Industrial Disputes Act, 1947 referred to this Tribunal the following dispute for adjudication vide its letter No. L-12012/120/86-D.II (B) dated 16-1-89.

"Whether the action of the management of BBMB, Nangal Township, Hydrology cell in denying promotion of Shri Jugal Kishore, skilled labour, as discharge observer with effect from 22-1-81, is legal and justified. If not, to what relief the concerned workman is entitled to and from what date?"

On receipt of the above referred to reference from the appropriate Government, Summons were issued to the workman and the respondent Management. Both the parties accordingly appeared before this Tribunal. The workman submitted his statement of claims and the Management filed their written statement. The workman also filed the rejoinder to the written statement and reiterated the position as contained in the claim statement.

The workman asserted in the claim statement that he was appointed as skilled labourer by the respondent management on 24-6-71. He further stated that his work has throughout been satisfactory and there has been no adverse entry in his service record. He further submitted that he approached the respondent management for giving him promotion as discharge observer on the basis of his long experience and Seniority-cum-merit. He indicated that he was not promoted as such because the Director, Regulation under whom he was working, was not favourably inclined towards him. So much so that he also even alleged enmity of the Director, Regulation and the Executive Engineer with him. The respondent Management, in any case, denied the allegations of malafide as brought out by the workman in the claim statement stating that he was not eligible for promotion and that even no junior to him was promoted to the higher post.

With a view to adjudicate upon the issue as referred to this Tribunal by the appropriate Government, both the parties were afforded opportunity to lead their respective evidence. While the workman Shri Jugal Kishore tendered his affidavit Ex. W-1, the Management tendered the affidavit Ex. M-1 of Shri Jarnail Singh, Junior Engineer of Hydrology Division, BBMB, Nangal Township. Both the deponents, who tendered their affidavits were produced in the witness box for cross examination by the opposite party. The workman also tendered documents Ex. W-2 to W-40 and likewise the respondent management relief upon the documents Ex. M-2 to M-4.

I have heard the representatives of both the parties and have also gone through the record carefully. In his deposition, the workman deposed that the management has not framed any policy for promotion and that they have been hiring workmen from outside against higher posts. He further deposed that he has been asking for promotion to the post of Discharge observer and made various representations in this regard to the respondent Management. He further deposed that instead of promoting him, the Management recruited one Shri Mangal Nath from the back door w.e.f. 22-1-1981 and, thus, ignored his rights. The respondent management, however, in the deposition of Shri Jarnail Singh asserted that the workman was not eligible for promotion as gague reader, as he was low in the seniority and that no person junior to him had been promoted. It was also asserted that the workman was not at all eligible for promotion to the post of discharge observer and otherwise also he was not the senior most person for being considered for the said post. The workman in his cross-examination has categorically admitted that he is not the senior most official in his category, which means that there were other persons senior to him in the seniority list. As per settled law, no one can claim promotion as a matter of right. The law only recognises a right for consideration and for that also, one has to prove that there exists a vacancy and that he is eligible for being considered for that particular post. In this case, incidentally, the workman has not been able to prove his right to the post on which he is claiming promotion. He has categorically admitted that he is not the senior most person in the seniority list and that no junior to him has been promoted as Discharge observer. In the absence of any of his Juniors having been promoted, he cannot establish his claim for promotion to the post in question. There is nothing in documents Ex. W-2 to W-40 to prove his contention. In the situation, there is no illegality in the action of the respondent management in denying promotion to the workman as discharge observer w.e.f. the date as indicated in the reference as made by the appropriate Government. The reference shall stand answered against the workman accordingly.

Chandigarh,
Dated : 28-10-1995.
Camp Bhatinda

S. R. BANSAL, Presiding Officer

नई दिल्ली, 23 नवम्बर, 1995

का.आ. 3315.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस. ई. सी. एल. के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-11-1995 को प्राप्त हुआ था।

[सं. एल.-22012/149/94-आईआर. (सी-II)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 23rd November, 1995

S.O. 3315.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Jabalpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of S.E.C. Ltd. and their workmen, which was received by the Central Government on 21-11-1995.

[No. L-22012/149/94-IR (C-II)]

RAJA LAL, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR (MP)

Case Ref. No. CGIT/LC(R)(153)/1994

BETWEEN

Shri Surajmal, represented through the President, Madhya Pradesh Krantikari Khandan Mazdoor Union (UTUC)
P.O. Sonawani Colliery, District Surguja (MP).

AND

The Sub-Area Manager, Duman Hill Colliery of SECL,
P.O. Sonawani Colliery, District Surguja (MP).

PRESIDED IN :

By Shri Arvind Kumar Awasthy.

APPEARANCES :

For workman—None.

For Management—Shri Mukhyopadhyaya.

INDUSTRY : Coal Mine DISTRICT : Surguja (MP)

AWARD

Dated, the 30th October, 1995

This is a reference made by the the Central Government Ministry of Labour, vide its Notification No L-22012/149/94-IR (Coal-II) dated 12-9-1994, for adjudication of the following industrial dispute :

SCHEDULE

"Whether the action of the Sub-Area Manager, Duman Hill Colliery of Chirimiri Area of South Eastern Coalfields Ltd. in superseding Sri Surajmal, S/o Dauram, Elect. Fitter Grade IV by his juniors is legal and justified ? To what relief the workman is entitled to ?"

2. In spite of repeated notices to the workman, the workman has neither appeared nor filed the statement of claim. Management has prayed that no dispute award be passed.

3. In the aforesaid circumstances and the fact that the workman is not appearing nor filing the statement of claim, no dispute award is hereby passed. No order as to costs.

ARVIND KUMAR AWASTHY, Presiding Officer

नई दिल्ली, 23 नवम्बर, 1995

का.आ. 3316.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बीबीएमबी के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चण्डीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-11-95 को प्राप्त हुआ था।

[सं. एल.-42012/45/86 डी-II(बी)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 23rd November, 1995

S.O. 3316.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Chandigarh as shown in the Annexure in the industrial dispute between the employers in relation to the management of B.B.M.B. and their workmen, which was received by the Central Government on 21-11-1995.

[No. L-42012/45/86-D.II (B)]

RAJA LAL, Desk Officer

ANNEXURE

IN THE COURT OF SHRI S. R. BANSAL, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

Case No. I. D. 86/98

Shri Gian Singh

Workman.

Vs.

Bhakra Beas Management Board

Management.

For the Workman—Shri R. K. Singh.

For the Management—Shri C. L. Sarin.

AWARD

Dated, the 28th October, 1995

The Central Government, in exercise of powers conferred by Section 10(2)(a)(1)(d) of the Industrial Disputes Act, 1947 (hereinafter referred to as the Act) referred the following dispute vide its letter No. L-42012/45/86-D.II (B) dated 5-5-89 for adjudication to this Tribunal :

"Whether the action of the management of Bhakra Beas Management Board (Power Wing) is justified and in order terminating the services of Shri Gian Singh son of Shri Kalur Ram w.e.f. 15-8-85 ? If not, to what relief the concerned workman is entitled to ?"

On receipt of the said reference from the Central Government notice was set to the parties by my predecessor and on appearance, the workman submitted his claim petition to which the management filed the written statement. The workman also filed rejoinder to the written statement as filed by the respondent management.

The claimant in his claim petition asserted that he was employed as skilled majdoor w.e.f. 1-9-84 and thereafter he continued working with the respondent management during different durations under various heads. He further asserted that he had completed 240 days and the respondent management terminated his services without complying with provisions of the Act and without payment of requisite compensation. The respondent management, however, tried to show that the workman had not continuously worked for 240 days in calendar year.

I have heard representatives of both the parties and also gone through the record carefully. The workman tendered in his evidence Ex. W-1 in the form of his affidavit. In his affidavit, he deposed that he had worked with the respondent

management for more than 240 days and that the management was having workers more than 300 and was thus, required to comply with the provisions of Section 25(N) of the Act before terminating his services. The respondent management through the affidavit of Shri T. S. Randhawa Ex. M-1, however, deposed that the workman worked on daily wage basis for less than 240 days on three different occasions and his services were terminated by giving him 10 days notice. Both the tenders of affidavits were allowed to be cross-examined by the opposite parties.

The perusal of record reveals that the workman had also earlier filed a civil writ petition in Hon'ble Pb. and Hry. High Court, a copy of judgement of which is available as Ex. W-2. The perusal of this judgement reveals that the Hon'ble High Court vide order dated 24-1-89 had directed the management to determine the actual period for which the workman worked with the respondent management and with a view to see whether he had worked for a period of 240 days, the date of termination of services, which is complained of, be kept in view and after doing so, it should go backward to a period of 12 months just precedings that date for ascertaining whether within these 12 months the workman had worked for a period of 240 days.

Obviously, the Hon'ble High Court has given these guidelines in the judgement dated 24-1-1989, which have to be kept into view for determining the actual days of working in this case. The perusal of written statement shows that the workman worked for various days during the period given as under :—

Period	Days
6-9-84 to 30-9-84	25
15-10-84 to 28-2-85	137
9-3-85 to 31-3-85	23
10-5-85 to 23-5-85	14
23-5-85 to 30-6-85	39
4-7-85 to 17-8-85	45

The duration as given above, thus, clearly reveals that the workman had worked for more than 240 days during the 12 preceding months from the date of his termination and as interpreted by the Hon'ble High Court in their judgement dated 24-1-89 his termination in the matter as shown by the workman w.e.f. 18-8-85 was not legally justified, as the same was ordered by the respondent management without complying with requisite provisions of the Act.

The perusal of document M-6 reveals that the management had offered reinstatement to the workman with continuity of service, but without back wages before the Asstt. Labour Commissioner, Jammu and the said Asstt. Labour Commissioner had made a record of this fact in his report dated 28-5-86. This report also shows that the authorised representative of the workman was not, some how, agreeable to this settlement and the reconciliation proceeding, thus, ended into a failure. This document in a way shows that the respondent management was willing to reinstate the workman in 1986, but the workman himself did not avail of the offer. Keeping this fact in view, in view of the findings on the dispute as above, I accordingly order reinstatement of the workman with continuity of service, but the workman will be entitled to back wages from the date of termination till May, 1986 only, as the management had offered him reinstatement in May, 1986 and the workman himself did not avail of the said gesture of the management. Resultantly, the workman shall not be entitled to any back wages for the period from 1-6-86 onward. The reference shall stand answered accordingly.

CHANDIGARH,

Camp Bhatinda,

Dated : 28-10-1995.

S. R. BANSAL, Presiding Officer

नई दिल्ली, 23 नवम्बर, 1995

का.आ. 3317.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार केन्द्रीय सरकार द्वारा जारी की गई अध्यादेश के अन्तर्गत निम्नलिखित विवाद में केन्द्रीय सरकार औद्योगिक अधिग्रहण, जबलपुर के पंचपट को प्रभावित करती है, जो केन्द्रीय सरकार को 21-11-95 को प्राप्त हुआ था।

[सं. एन.-21012/73/87 डी-III(बी)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 23rd November, 1995

S.O. 3317.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Jabalpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of W.C. Ltd. and their workmen, which was received by the Central Government on 21-11-1995.

[No. L-21012/73/87-D.III (B)]

RAJA LAL, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR (MP)

Case Ref. No. CGIT/LC(R):(228)/1987

BETWEEN

Shri B. C. Chakravarty, represented through the Secretary, R.K.K.M.S. (INTUC), P.O. Chendametta, District Chhindwara (MP).

AND

The Chief General Manager, W.C.L. Pench Area, P.O. Parasia, District Chhindwara (MP).

PRESIDED IN :

By Shri Arvind Kumar Awasthy.

APPEARANCES :

For Workman—Shri S. K. Rao, Advocate.

For Management—Shri R. Menon, Advocate.

INDUSTRY : Coal Mines. DISTRICT : Chhindwara (MP).

AWARD

Dated, the 31st September, 1995

This is a reference made by the Central Government, Ministry of Labour, vide its Notification No L-21012/73/87-D.III (B) dated 20-10-1987, for adjudication of the following industrial dispute :—

SCHEDULE

"Whether the action of the management of WCL, Pench Area, Parasia, Dist. Chhindwara in awarding punishment of suspension for 3 years, 3 days and deducting Rs. 36,434.31 P. from the wages of Shri B. C. Chakravarty, Clerk Gr. I of G. M. Office, WCL, Pench Area, Parasia is justified? If not, what relief is the workman entitled to?"

2. Admitted facts of the case are that the workman, Shri B. C. Chakravarty, was initially appointed on the post of Clerk Gr. I in Sales and Accounts Section at the office of the General Manager at Parasia. It is also not in dispute

that Shri B. C. Chakravarty was entrusted with the job of receiving drafts from the customers and required to send the drafts to the Company's Headquarters at Nagpur. It is also common ground that show cause notice dated 9-4-1983 was issued to the workman alleging that the Bank Draft No. 700559 dated 9-3-1983 and Draft No. 011674 dated 25-3-1983 were received by the workman and these drafts were not sent to the Headquarters at Nagpur; that the departmental enquiry was conducted against the workman and on the basis of the findings dated 29-10-1986 of the Enquiry Officer, the punishment of suspension from 27-4-83 to 30-4-86 and recovery of the amount of Rs. 36,434.31 P. was ordered by the management.

3. The case of the workman is that on the false allegation for misusing the demand drafts charge sheet was issued against the workman; that during the departmental enquiry the workman raised objection that as the criminal case was pending against him, the proceedings in the departmental enquiry should be stayed; that the D.E. was not stayed and as such the workman was not in a position to properly disclose his defence as it is clear that the defence will be seized in his criminal case. The workman has further alleged that the finding of the Enquiry Officer is perverse and that the management has illegally imposed the punishment of recovery of the amount of Rs. 36,434.31 from his salary which is not according to law.

4. The case of the management is that the workman dishonestly discharged his duty by not despatching the demand drafts to the Company Headquarters at Nagpur and the workman acted mala fide by selling the said bank drafts to the various customers in order to lift the coal on the alleged bank drafts; that the workman caused loss of Rs. 36,434.31 to the Company and the FIR was lodged against the workman in the police for the alleged embezzlement. The management has pleaded that the workman has fully participated in the domestic enquiry and also availed the opportunity to examine the witnesses of the management; that the findings of the Enquiry Officer are in accordance with the evidence on record and looking to the seriousness of the misconduct, the management has already taken lenient view in imposing the impugned punishment.

5. Following are the issues in the case :

ISSUES

1. Whether the enquiry is proper and legal ?
2. Whether the management is entitled to lead evidence before this Tribunal ?
3. Whether the charges of misconduct are proved on the facts of the case ?
4. Whether the punishment awarded is proper and legal ?
5. Relief and costs ?

6. Issue No. 1 and 2.—It is held vide order dated 25-5-1995 that the departmental enquiry was proper and legal. Issue No. 1 and 2 are answered in favour of the management.

7. Issue No. 3.—During the enquiry management has produced the Despatch Register by which the alleged drafts were received by the workman. Another Register produced by the management is Drafts Statement which was despatched to Nagpur. The third Register was return of Demand Drafts Register which was subsequently sent by the concerned clerk to the Sales Department after making necessary entries. From the perusal of Despatch Register and Return Demand Drafts Register, it is clear that the workman, Shri B. C. Chakravarty, has not sent the demand drafts detailed in Annexure A and B to his Headquarters at Nagpur; that the false entry was made by the workman, Shri Chakravarty, to show that these bank drafts were returned to Sales Section. The workman in order to satisfy his co-clerk that all the bank drafts were sent either to Nagpur or by way of return to Sales Section, has forged the signatures of clerk in Sales Section by name Shri Brijesh Khare. Registers filed during the domestic enquiry and the witnesses examined in the enquiry fully proved that the workman was guilty of the misconduct of misusing the bank drafts and forging the registers in order to prepare false evidence or despatch of the alleged bank drafts. Findings

of the learned Enquiry Officer holding the workman guilty of the misconduct of the charges is just and proper. Issue No. 3 is answered in favour of the management.

8. Issue No. 4.—It is distressing and highly objectionable that the Disciplinary Authority has shown the uncalled for sympathy to the workman in awarding the punishment of deduction of Rs. 36,434.31 P. from the wages of the workman. In case of such glaring theft, fraud and embezzlement the extreme penalty of dismissal from service was the one only the punishment. The action of the management in awarding the disproportionately light punishment to the workman requires strong censor and to check the reoccurrence of such misuse of power by the authorities imposing the punishment, it is necessary that the matter be reported to the higher authorities for information and proper action against the delinquent authorities. Issue No. 4 is answered in favour of the management.

9. Issue No. 5.—Reference is answered in favour of the management. The punishment awarded by the management is not in proportionate to the proved misconduct and as such copy of the Award be sent to the C.M.D., Western Coalfields Ltd. Nagpur for taking action as per aforesaid observation. Parties to bear their own costs.

ARVIND KUMAR AWASTHY, Presiding Officer

नई दिल्ली, 23 नवम्बर, 1995

का.आ. 3318.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डब्ल्यू. सी. एन. के प्रबन्धन के संवद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार को, 21 नवम्बर, 1995 को प्राप्त हुआ था।

[सं. एल.-22012/264/92 आई.आर. (सी-II)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 23rd November, 1995

S.O. 3318.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Jabalpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of W. C. Ltd. and their workmen, which was received by the Central Government on the 21-11-95.

[No. I-22012/264/92-IR C-II]

RAJA LAL, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR (MP).

CASE NO. CGIT/LC(R)(85)/1993

BETWEEN

The President, Rashtriya Koyla Khadan Mazdoor Sangh (INTUC), W.C.L. Headquarter Branch, Coal Estate, Civil Lines, Nagpur (MS).

AND

The Chairman-cum-Managing Director, Western coal-fields Ltd., Coal Estate Civil Lines, Nagpur (MS).

PRESIDED IN : By Shri Arvind Kumar Awasthy.

APPEARANCES :

For Union : None.

For Management : Shri A. K. Shasi, Advocate.

INDUSTRY : Coal Mines

DISTRICT : Nagpur (MS)

AWARD

Dated : October 18, 1995

This is a reference made by the Central Government, Ministry of Labour, vide its Notification No. L-22012/264/92-IR(C-II) Dated 30-12-1992, for adjudication of the following industrial dispute :

SCHEDULE

"Whether the action of the management of W.C. Ltd., Headquarters, Nagpur, in issuing a notice on 14-2-1992 proposing a change in working hours under Sections-A of the I.D. Act read with Rules 34 of I.D. (Central) Rules during the operation of conciliation settlement dated 06-12-1987 is legal and justified ? If not, to what relief the telecom workmen of the W.C. Ltd. Headquarters, Nagpur, are entitled to ?"

2. Union has neither appeared in the case nor the statement of claim was filed by the Union. Management has appeared on several hearings. Management has also not filed the statement of claim.

3. Management has prayed that no dispute award be passed. In view of the aforesaid circumstances and the fact that the Union has not appearing and filing the statement of claim, no dispute award is hereby passed. Parties to bear their own costs.

ARVIND KUMAR AWASTHY, Presiding Officer

नई दिल्ली, 23 नवम्बर, 1995

का.आ. 3319.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वय में केन्द्रीय सरकार वरुण, सी. एल. के प्रबन्धन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, शतबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार को 21-11-95 को प्राप्त था।

[सं. एल.-22012/61/92-आई.आर. (सी-II)]

राजा लाल: ईस्क अधिकारी

New Delhi, the 23rd November, 1995

S.O. 3319.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of W.C. Ltd. and their workmen, which was received by the Central Government on 21-11-95.

[No. L-22012/61/92-IR C-II]
RAJA LAL, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, JABALPUR (MP)
CASE REF. NO. CGIT/LC(R)/185/1992

BETWEEN

Shri Gannoolal S/o Nanda Jawalkar, represented through the General Secretary, Lal Jhanda Coal Mines Mazdoor Union, P.O. Damua, District Chhindwara (MP).

AND

The General Manager, W.C.L. Kanhan Area, P. O. Durgaria, District Chhindwara (MP).

PRESIDED IN : By Shri Arvind Kumar Awasthy.

APPEARANCES :

For Workman : Shri D. N. Tripathi.

For Management : Shri A. K. Shasi, Advocate.

INDUSTRY : Coal Mines DISTRICT : Chhindwara (MP)

AWARD

Dated : October 12, 1995

This is a reference made by the Central Government, Ministry of Labour, vide its Notification No. L-22012/61/92-IR (C-II) Dated 8-9-1992, for adjudication of the following industrial dispute :—

SCHEDULE

"Whether the action of the management of General Manager, Kanhan Area, W.C. Ltd., PO : Durgaria, Distt. Chhindwara (M.P.) in not promoting/regulating Shri Gannoolal S/o Nanda Jawalkar, General Mazdoor of Damua Colliery of W.C. Ltd., Kanhan Area, PO : Damua Tah : Junnardeo, District Chhindwara (M.P.) to the post of Clerk Grade III is justified ? If not, to what relief the workman is entitled to ?"

2. The case of the Union is that the workman, Shri Gannoolal was initially appointed as a Wagon Loader in Hirdyarch Sidra of W.C. Ltd. in 1974 and thereafter he was transferred to Damua Colliery vide Order dated 19-10-1984. Subsequently, the workman was posted for the work of Band Saw Mill of Damua Colliery to work as a General Mazdoor and he was paid the wages of Cat. I of time rated workman or work. The case of the Union further is that the Statutory records for attendance under the provisions of Mines Act, 1952 and the Wage sheets are showing that the workman working in Damua Colliery was paid the wages of time rated workman in Cat. I for utilization of his services of time rated workman. On the basis of variation and discrimination made by the management of Kanhan Area in selection test of Clerk Gr. III, the workman concerned has his existing right to be promoted on the post of Clerk in Gr. III w.e.f. 15-4-82. The workman has further right to achieve the promotion equal to those workmen who had been promoted by the management on the basis of merit and choose method to overlook the principles and subsequently the workmen were promoted as Clerk in Gr. I. The Union has prayed that an order be passed that the action of the management in not promoting the workman in Clerk Gr. III is not justified and the workman is entitled for promotion and upgradation equal to his junior with difference of wages w.e.f. 15-4-1982.

3. Shri D. N. Tripathy, the representative of the workman alleged that the workman is not interested in pursuing the case. Prover of the parties is to pass a no dispute award. Consequently, no dispute award is passed. No order as to costs.

ARVIND KUMAR AWASTHY, Presiding Officer

नई दिल्ली, 23 नवम्बर, 1995

का.आ. 3320.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वय में केन्द्रीय सरकार एम्. डी. सी. एल. के प्रबन्धन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, शतबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार को 21 नवम्बर, 1995 को प्राप्त हुआ था।

[सं. एल.-22012/145/92-आई.आर. (सी-II)]

राजा लाल, ईस्क अधिकारी

New Delhi, the 23rd November, 1995

S.O. 3320.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of S.E.C. Ltd. and their workmen, which was received by the Central Government on 21-11-95.

[No. L-22012/145/92-IR C-II]

RAJA LAL, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR (MP)

CASE REF. NO. CGIT/LC(R)(218)/1992

BETWEEN

Shri Mohd. Aziz Bux S/o Sri Rahim Bux, Ex-Cat. I Mazdoor, P.O. Korea Colliery, District Surguja (MP).

AND

The Dy. General Manager/Sub-Area Manager, Chirimiri Colliery of S.E.C.L., P.O. Chirimiri Colliery, District Surguja (MP).

PRESIDED IN : By Shri Arvind Kumar Awasthy.

APPEARANCES :

For Workman : None.

For Management : Shri A. K. Shasi, Advocate.

INDUSTRY : Coal Mines DISTRICT : Surguja (MP)

AWARD

Dated : October 10, 1995

This is a reference made by the Central Government, Ministry of Labour, vide its Notification No. L-22012/145/92-IR(C-II) Dated 22-10-1992, for adjudication of the following industrial dispute :—

SCHEDULE

"Whether the action of the Dy. General Manager, Chirimiri Colliery of S.E.C. Ltd., PO : Chirimiri Colliery, Dist. Surguja, in terminating the services of Shri Mohd. Aziz Bux S/o Sri Rahim Bux, Mazdoor Cat. I w.e.f. 16-6-91 is legal and justified? If not, what relief the workman is entitled to?"

2. The workman has neither appeared in the case nor statement of claim was filed by him. Management has appeared on several hearings, but the management has also not filed the statement of claim.

3. Management has proved that no dispute award be passed. In view of the fact that the workman has not neither filed the statement of claim nor put his appearance, it is clear that the workman is not interested in pursuing the case. No dispute award is hereby passed. No order as to costs.

ARVIND KUMAR AWASTHY, Presiding Officer

नई दिल्ली, 23 नवम्बर, 1995

का.शा. 3321.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वय में केन्द्रीय सरकार एम.ई. सी. एल. के प्रबन्धन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अन्वय में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचद को प्रकाशित करती है, जो केन्द्रीय सरकार को 21 नवम्बर, 1995 को प्राप्त हुआ था।

[सं. एल.-22012/166/93-आई.आर. (सी-II)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 23rd November, 1995

S.O. 3321.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Jabalpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of S.E.C. Ltd. and their workmen, which was received by the Central Government on the 21-11-95.

[No. I-22012/166/93-IR C-II]

RAJA LAL, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR (MP)

CASE REF. NO. CGIT/LC(R)(188)/1993

BETWEEN

S/Shri P. C. Sharma, Asstt. Store Keeper & others represented through the President, Bhartiya Khadan Mazdoor Sangh (MP), Branch Office, Quarter no. M/237, Urja Nagar, P.O. SECL, Gevra Project, District Bilaspur (MP) and Area Secretary, S.K.M.S. (AITUC), Union Office M/162, Urja Nagar, SECL, Gevra Project, District Bilaspur (MP).

AND

The Dy. General Manager, S.E.C.L., Gevra Project, Post Office Gevra Project, District Bilaspur (MP).

PRESIDED IN : By Shri Arvind Kumar Awasthy

APPEARANCES :

For Workmen/Union.—Shri S. Paul, Advocate.

For Management.—Shri A. K. Shasi, Advocate.

INDUSTRY : Coal Mines DISTRICT : Bilaspur (MP)

AWARD

Dated : October 30, 1995

This is a reference made by the Central Government, Ministry of Labour, vide its Notification No. L-22012/166/93-IR. C-II dated 13th September, 1993, for adjudication of the following industrial dispute :—

THE SCHEDULE

"Whether the action of the management of Gevra Project of South Eastern Coalfields Ltd., justified in allotting "B" Type Quarter to S/Shri P. C. Sharma, Asstt. Store Keeper and others and denying the same to senior Clerks working in Group "C".

If not to what relief the clerical staff (Group C) are entitled to".

2. Parties have filed the Memorandum of Settlement. Both the Unions have agreed to mutually settle the case and withdraw the reference. The Settlement is duly signed and verified by the parties. Consequently, in terms of the settlement, no dispute award is passed. Parties to bear their own costs.

ARVIND KUMAR AWASTHY, Presiding Officer

नई दिल्ली, 23 नवम्बर, 1995

का.आ. 3322.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एम. ई. सी. एल. के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण, जबलपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-11-95 को प्राप्त हुआ था।

[सं. एल.—22012/107/93-आई. आर. (सी-II)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 23rd November, 1995

S.O. 3322.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of S.E.C. Ltd. and their workmen, which was received by the Central Government on 21-11-95.

[No. L-22012/107/93-IR (II)]

RAJA LAL, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR (MP)

Case Ref. No. CGIT/LC(R)(130)/1993

BETWEEN

Shri Vidya Sagar Singh represented through the Dy. General Secretary, National Colliery Workers Federation (NLO) P.O. Kotma Colliery, District Shahdol (MP).

AND

The General Manager, J&K Area of S.E.C.F. P.O. Jamuna Colliery, District Shahdol (MP).

PRESIDED IN : By Shri Arvind Kumar Awasthy.

APPEARANCES :

For Workman.—None.

For Management.—Shri Mukhyopadhyaya.

INDUSTRY : Coal Mines DISTRICT : Shahdol (MP)

AWARD

Dated : October 10, 1995

This is a reference made by the Central Government, Ministry of Labour, vide its Notification No. L-22012/107/93-IR.(C-II) Dated 28-6-1993, for adjudication of the following industrial dispute :—

THE SCHEDULE

"Whether the action of Sub-Area Manager, Kotma Sub-Area of Jamuna and Kotma Areas of SECL in penalising Sri Vidya Sagar Singh, Clerk, Kotma Colliery vide order dated 29th September, 1989 is legal and justified ? If not, to what relief the workman is entitled to ?"

2. The workman has neither appeared nor filed statement of claim inspite of repeated notices. Management appeared on several hearings but the management has also not filed its statement of claim.

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3. Management has prayed that since the workman is not taking any interest in pursuing his case, no dispute award be passed.

4. In the aforesaid circumstances I have no alternative but to pass a no dispute award. No dispute award is hereby passed. No order as to costs.

ARVIND KUMAR AWASTHY, Presiding Officer

नई दिल्ली, 23 नवम्बर, 1995

का.आ. 3323.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एम. ई. सी. एल. के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण, जबलपुर के पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार को 21-11-95 को प्राप्त हुआ था।

[सं. एल.—22012/34/89-आई. आर. (सी-II)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 23rd November, 1995

S.O. 3323.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of S.E.C. Ltd. and their workman, which was received by the Central Government on 21-11-95.

[No. L-22012/34/89-IR(C-II)]

RAJA LAL, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR (MP).

Case Ref. No. CGIT/LC(R)(184)/1989

BETWEEN

Shri Basantlal represented through the General Secretary, M. P. Kovla Khadan Mazdoor Union (UTUC), Block No. 40, Qr. No. 4, Post Sonawani, District Surguja (MP)-497 557.

AND

The Dy. General Manager/Sub-Area Manager, Duman Hill Group of Mines, Post Sonawani Colliery, District Surguja (MP).

PRESIDED IN : By Shri Arvind Kumar Awasthy.

APPEARANCES :

For workman.—Shri S. K. Rao, Advocate.

For Management.—Shri R. Mepon, Advocate.

INDUSTRY : Coal Mines DISTRICT : Surguja (MP)

AWARD

Dated : 31-10-1995

This is a reference made by the Central Government, Ministry of Labour, vide its Notification No. L-22012(34)/89-IR (Coal-II) Dated 25th September, 1989, for adjudication of the following industrial dispute :—

SCHEDULE

"Whether the action of the Management of Duman Hill Colliery of SECL, PO Sonawani Colliery in terminating services of their workman Sri Basantlal, Cat.

I Mazdoor is legal and justified? If not, to what relief the workman concerned is entitled?"

2. Admitted facts of the case are that the workman, Basant Lal, was working as Cate, I Mazdoor in Duman Hill Group of Mines of S.E.C.L. It is also not in dispute that the departmental enquiry was held against the workman on the allegation of unauthorised absence and that he was dismissed from service with effect from 4-2-1987. The workman has also admitted that he was absent continuously for more than five months from 13-6-85.

3. The case of the workman is that on 13-6-85 he received a message that his wife was seriously ill and he became mentally upset on hearing the bad news; that the workman is not literate and as such he left the place without giving information to the authority or making any application for leave to the management; that when the workman reached at his native place he found his wife serious and remained busy to provide her medical treatment and reported on duty on 6-12-1985. The workman has alleged that Shri K. K. Rao, Enquiry Officer, has not provided him the proper opportunity to defend the case. There is no evidence against the workman to find him guilty and that the order of dismissal is unjust and improper, the workman has claimed reinstatement with back wages.

4. The case of the management is that the workman was a habitual absentee and that he was repeatedly warned to improve his performance; that from 13-6-85 the workman remained continuously absent and the workman participated in the domestic enquiry and accepted the charges levelled against him. The management has alleged that the finding of the Enquiry Officer is in accordance with the evidence on record and the punishment is proportionate to the proved misconduct.

5. Following are the issues in the case :

ISSUES

1. Whether the enquiry is proper and legal?
2. Whether the management is entitled to lead evidence before this Tribunal?
3. Whether the charges of misconduct are proved on the facts of the case?
4. Whether the punishment awarded is proper and legal? Its effect?
5. Relief and costs?

6. Issue No. 1 & 2 : Shri K. K. Rao, Enquiry Officer, Assistant Colliery Manager, was examined to prove the fairness of the enquiry. On the basis of the statement of Shri K. K. Rao, domestic enquiry, vide order dated 10-7-95 was declared fair and proper. Issue No. 1 & 2 are answered in favour of the management.

7. Issue No. 3, 4 & 5 : The workman has admitted in the domestic enquiry that he was absent without intimation or without application from 13-6-85. In para 8 of the statement of claim filed by the workman, it is admitted that the workman was absent without giving information and making leave application. The defence of the workman is that on 13-6-85 the workman received message that his wife was sick seriously and he became mentally upset and he left the place without making the leave application. The defence of the workman is also that about 6 months the workman remained in village for the treatment of his wife.

8. The workman has not examined the Doctor or any witness in the domestic enquiry to prove the illness of his wife. The workman has also not filed the prescription of the Doctor or the Cash Memos of the purchase of medicines. The workman has not disclosed in his statement of claim before the Enquiry Officer that from which disease his wife was suffering. The workman has also not disclosed the name of the person who came to inform him about the illness of his wife. The explanation given by the workman of leaving the colliery area without giving leave application or informing the higher authority is not satisfactory and there is no evidence to show that the workman on account of distress or tension was unable to make the leave application or seek permission to leave the place of duty.

9. From the aforesaid discussion, it is clear that the defence story is filled with glaring lacunas and it is unnatural and not supported by any oral or documentary evidence. The absence of the workman was long and it is a fact that even during the tenure of his absence for more than five months, the workman did not care to send the application for his leave. All these circumstances also establishes that the ground of his absence on account of illness of his wife is an after thought. Consequently, the learned Enquiry Officer has rightly held the workman guilty of unauthorised long absence.

10. The charge of absenteeism coupled with habitual absenteeism is a serious misconduct. According to Cl.17(a) of the Standing Orders, Coal Mines, N.C.D.C. the unauthorised absence from duty is serious misconduct. Looking to the gravity of the misconduct the management was justified in terminating the service of the workman from service with effect from 4-2-1987. Issue Nos. 3, 4 & 5 are answered in favour of the management. Workman is not entitled for any relief. Reference is answered in favour of the management. Parties to bear their own costs.

ARVIND KUMAR AWASTHY, Presiding Officer

नई दिल्ली, 23 नवम्बर, 1995

का.अ. 3324—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) को धारा 17 के अनुसरण में, केन्द्रीय सरकार वी बी एस बी के प्रबन्धन के संवद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण, चण्डीगढ़ के पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार को 21/11/95 को प्राप्त हुआ था।

[सं. एल.-42012/1/82-डी-II(ओ)(बी)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 23rd November, 1995

S.O. 3324.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure in the industrial dispute between the employers in relation to the management of B.B.M.B. and their workmen, which was received by the Central Government on 21st November, 1995

[No. I-42012/1/82/D-II(o)(b)]

RAJA LAL, Desk Officer

ANNEXURE

IN THE COURT OF S. R. BANSAL, CENTRAL INDUSTRIAL TRIBUNAL AND LABOUR COURT.

CHANDIGARH

Sat Pal Shah S/o Shri Budh Raj, Bhakra Mechanical Division, Nangal Townashin. Workman

Versus

Bhakra Beas Management Board through its Chairman and others Respondents

PRESENT :

Workman Sat Pal Shah—in person.

Mr. C. Lal Sareen—for Respondent No. 1.

R. K. Singh—for Roshan Lal, Sudarshan Kumari widow Malik Singh workman (deceased).

AWARD

The Presiding Officer, Central Government Industrial Tribunal and Labour Court, Chandigarh by his award dated 11th April, 1985 had held that the Management of B.B.M.B. Nangal Township had no justification in superseding S/Shri Roshan Lal and Malik Singh, Supervisors while awarding promotion to Shri Sat Pal Shah to the post of Chargeman, who was junior to them in the seniority list. This award was pronounced by my learned predecessor on a reference received from the Central Government, Ministry of Labour, New Delhi, in exercise of powers conferred under section 10(1)(d) of the Industrial Disputes Act, 1947 vide notification No. L-42012(1)/82-D-2(i)(b), dated 23rd August, 1982 read with No. S.O. S-11(025)(2)/83, dated 8th June, 1983. The dispute referred to the Tribunal by the Central Government for adjudication was as under :—

"Whether the action of the Management, BBMB in promoting Shri Sat Pal Shah from the post of Supervisor to Chargemen with effect from 1st September, 1978 while superseding S/Shri Roshan Lal and Malik Singh is justified? If not, to what relief the workmen are entitled to?"

Consequent upon the award dated 11th April, 1985 as passed by my predecessor, Shri Sat Pal Shah, who was apparently effected by it, filed a Civil Writ Petition No. 354 of 1984 in the Hon'ble Punjab and Haryana High Court, wherein besides impleading the official respondents and Unions, he also impleaded S/Shri Roshan Lal and Malik Singh, in whose favour the award dated 11th April, 1985 had earlier been pronounced. On the basis of the said Writ Petition the Hon'ble High Court while allowing the petition of the petitioner set aside the impugned award dated 11th April, 1985 and ordered this Court, while sending back the case, to redetermine the matter afresh on merits after affording an opportunity of hearing to the petitioner in the writ petition, the contesting respondents and any other persons. While passing the said order, the Hon'ble High Court had observed that Shri Sat Pal Shah who had been adversely effected by the impugned award was not a party to the dispute at any stage.

After the remand of the case by the Hon'ble High Court vide their order dated 31st March, 1986, the parties appeared before this Tribunal and filed their written statements. While the BBMB reiterated their averments already made by the Management at the time of receipt of reference from the Central Government, Shri Sat Pal Shah filed his written statement dated 11th March, 1987 and likewise S/Shri Roshan Lal and Malik Singh also submitted their reply dated 19th May, 1987. One Shri Sat Pal Sharma S/o Shri Amar Pal also filed his reply in the form of affidavit dated 3rd March, 1988. In their written reply dated 6th July, 1987, whereby the respondent Management reiterated their earlier averments they emphatically asserted that the contention made by S/Shri Roshan Lal and Malik Singh was totally incorrect.

After filing of written reply by the concerned parties, opportunity was also afforded by my learned predecessor to lead evidence and Shri Sat Pal Shah accordingly filed his affidavit Ex. W3. Similarly, Shri Roshan Lal also filed his affidavit dated 24th August, 1987. Both the witnesses were also presented in the Court for cross-examination by the opposite parties and in addition to these witnesses one Shri Girdhari Lal, Cashier, BBMB, Nangal was also examined by the respondent management, who tendered various documents such as Ex-W7 to W10. Thereafter the respective parties closed their evidence.

I had heard the arguments of the parties and have also gone through the evidence on record and the various documents tendered by the respondent management. I have also carefully perused the old file of case No. 77/83, in which the earlier award dated 11th April, 1985 was pronounced by my learned predecessor. Shri Sat Pal Shah had argued that he and the other respondents S/Shri Roshan Lal and Malik Singh were occupying posts of different trades. While he was working as Supervisor in the "Guniting" trade, S/Shri Roshan Lal and Malik Singh were borne on the "grouting" trade. He also argued that he was promoted as Chargeman from the post of Supervisor in his own trade, for which respondents Roshan Lal and Malik Singh had no knowledge and experi-

ence. The stand of the representatives of the other respondents was that Roshan Lal and Malik Singh were senior to Sat Pal Shah on the basis of length of service and, thus, they deserved to be promoted earlier to Shri Sat Pal Shah. While delivering the award dated 11th April, 1985, my learned predecessor had observed that the promotions had to be regulated strictly in accordance with one's seniority unless the person concerned was found unfit on the basis of his service record. This principle as propounded by my learned predecessor is perfectly legally in order, but while dealing the issue in this case as referred for adjudication by the Central Government vide notification dated 23rd August, 1982 read with notification dated 8th June, 1983, this Court, as observed by the Hon'ble High Court in their order dated 31st March, 1986, is supposed to re-determine the said issue afresh on the merits of the case as placed on record by the concerned parties. Shri Sat Pal Shah in his affidavit Ex. W3 has deposed that he joined the service of the respondent management on 8th January, 1960 as Assistant Supervisor and he was promoted as Supervisor on 1st May, 1961. He has also deposed that the respondent management vide their letter dated 3rd March, 1964 circulated the classification of trade and they vide letter No. 7079-89/PS/357-E, dated 1st September, 1966 Ex. W9 included the category of "guniting" in the classification of trades as issued vide respondent management letter dated 30th December, 1961. He also deposed that the respondent management had also issued a seniority list of work charged establishment, which is Ex. W10 on the record of this file. According to this workman, he was the senior most Supervisor in the trade of guniting; whereas S/Shri Roshan Lal and Malik Singh belonged to the trade of grouting, which is entirely a different trade. He asserted that on the basis of his seniority in the seniority list in the trade of guniting, he was promoted as Chargeman against a vacancy in the guniting trade on 1st September, 1978. Shri Roshan Lal vide his affidavit dated 24th August, 1987, however, tried to prove that he was promoted as Supervisor in his trade alongwith Shri Malik Singh prior to Shri Sat Pal Shah and, thus, he had a right for promotion as Chargeman earlier to Shri Sat Pal Shah. He also asserted that the trade of Shri Shah had been declared as 'grouting inspection' by the Executive Engineer and it remained unchanged.

I have carefully gone through the various assertions as made by the parties and have also looked into the documents Ex. W7, W8, W9 and W10. W10 is the seniority list of the workcharged staff, which clearly shows that Sat Pal Shah was at No. 1 in the trade 'guniting'. S/Shri Roshan Lal and Malik Singh are shown at serial number 1 and 2 in the category of Supervisors in the trade of grouting. According to this seniority list, both these set of persons obviously belong to different trades. Similarly, Shri Sat Pal Sharma, who also filed his affidavit dated 3rd March, 1988 belongs to the grouting inspection trade. I have also seen the promotion order of Shri Sat Pal Shah on the old file bearing No. 77/1983, which shows that the promotion of this workman was ordered in the scale of Rs. 120—250 as Chargeman in the same trade in which he was borne as Supervisor. Obviously, Shri Sat Pal Shah as per seniority list Ex W10 was borne on the cadre of guniting trade and, thus, his promotion as Chargeman was also in the said trade and S/Shri Roshan Lal and Malik Singh could not claim the same, as they belonged to a different trade. They can certainly have no experience in the guniting trade, being borne on the cadre of grouting trade. Even if they have any working knowledge of the other trade, they cannot claim promotion as a matter of right in the other trade. The category of guniting trade was included in the classification list of trades by the respondent management as is evident from letter Ex. W9 and it is, thus, clear that guniting was separate trade than that of grouting. After the death of Shri Malik Singh respondent, his legal heirs were brought on record on the basis of application of his wife Smt. Sudarshan Kumari dated 26th December, 1987. The respondent management has categorically denied the assertions as made by S/Shri Roshan Lal and Malik Singh respondents and in view of the reasons as given above, there certainly appears force in the said contention of the respondent management, who have supported the promotion of Shri Sat Pal Shah on the basis of his seniority in the guniting trade. With utmost regard to my learned predecessor, I feel that the respondent management had justifiably promoted Shri Sat Pal Shah as Chargeman on the basis of his seniority in the guniting trade, particularly when the promotion was also ordered specifically in the same trade. I accordingly hold that the management had not superseded as alleged

S/Shri Roshan Lal and Malik Singh while promoting Shri Sat Pal Shah as Chageman with effect from 1st September, 1978. The reference of the Central Government, in view of the order dated 31st March, 1986 of the Hon'ble High Court, is answered accordingly. No order as to costs.

Dated, the 13th November, 1995.

Chandigarh,

S. R. BANSAL, Presiding Officer

नई दिल्ली, 23 नवम्बर, 1995

का.आ. 3325.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी बी एम बी के प्रबन्धन के संवर्धन नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चण्डीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-11-95 को प्राप्त हुआ था।

[सं. एल-42012/166/86-डी-II (बी)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 23rd November, 1995

S.O. 3325.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Chandigarh as shown in the Annexure in the industrial dispute between the employers in relation to the management of B.B.M.B and their workmen, which was received by the Central Government on the 21-11-95.

[No. L-42012/166/86 D-II(B)]

RAJA LAL, Desk Officer

ANNEXURE

IN THE COURT OF SH. S. R. BANSAL, PRESIDING OFFICER, CENTRAL GOVERNMENT, INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

Case No. LD. 69/87

Swinder Singh

Workman

Versus

Food Corporation of India

Management.

PRESENT :

Sh. S. K. Gupta.—For the Workman.

Miss Renee Bansal.—For the Management

AWARD

Dated the 28th October, 1995

The Central Government, Ministry of Labour, in exercise of powers conferred on them under Section 10(1)(d) and Sub Section 2A of Section of the Industrial Disputes Act 1947 (hereinafter referred to as the Act), vide their order No. L-42012/166/86-D.II(B) dated 21-8-1987, referred the following Industrial Dispute to this Tribunal for adjudication :—

“Whether the action of the Management of Food Corporation of India, Amritsar, and Tangra in terminating Shri Swinder Singh S/o Shri Udham Singh. Watchman from Service is legal and justified ? If not, to what relief is the workman concerned entitled ?”

2. On receipt of the above said reference from the Central Government, notice was sent to both the parties. On appearance, the workman preferred his statement of claim, to which the management through their District Manager, Food

Corporation of India, Amritsar, filed the written statement. The workman also filed the rejoinder to be written statement reiterating the assertions as made by him in the claim statement.

3. As per the claim statement filed by the Workman, he was appointed as a casual workman for watch and ward duties by the Management through the P.M.C. at Food Store, Depot, Tangara, District Amritsar on 27-5-1984 and his services were terminated by the respondent on 22-2-1986, in violation of the provisions of the Act. It was further alleged that the workman was sufficiently senior in seniority and a large number of his juniors were allowed to continue after his termination. It was further alleged that no charge-sheet or notice as per requirement of principle of natural justice and the provisions of the Act was served upon him and, thus, termination of his service was patently illegal and bad in law. The respondent Management in their written statement denied the assertions of the workman. It was alleged that the workman was engaged on Daily Wages at the rates approved by the Deputy Commissioner and he had worked only for 96 days with the Management as per details given as under :—

September, 1984	14 Days.
October, 1984	14 Days.
November, 1984	14 Days.
December, 1984	14 Days.
January, 1985	14 Days.
February, 1985	14 Days.
March, 1985 upto 19-3-1985.	12 Days.
Total	96 Days.

It was further alleged that the workman thereafter was employed through the Industrial Security and Allied Services Agency and was never engaged by the Respondent-Management, directly. It was also further alleged that after 19-3-1985, there existed no relationship of Master and servant between the workman and the respondent and since the workman did not work with the Management respondent for a period of 240 days and as per requirement of law, he has no legal right to submit his claim against the management before this Tribunal.

4. With a view to sort out the dispute as referred to this Tribunal by the Central Government, the workman and the respondent Management were also allowed to lead their respective evidence. While the workman adduced his evidence in the form of affidavit dated 22-12-87, the respondent Management also tendered the affidavit of Shri R. M. Gupta, Assistant Manager, Food Corporation of India, Muktsar. They also examined Puran Singh, Director, Industrial Security and Allied Service Agency, Kapurthala, and tendered his Affidavit Exhibit M. 9. The workman besides tendering his affidavit also produced in evidence the documents Ex. Annexure A.1 to Annexure A. 296 as attached to the affidavit. The respondent Management also tendered in evidence documents Ex. M4 to M8 and thereafter both of them closed their evidence. I have heard the representatives of the parties and have also gone through the relevant record. The workman in his affidavit tried to prove that he was appointed as casual workman for watch and ward duties directly by the Management Respondent and that his services were terminated on 22-2-1986 in violation of the provisions of the Act. He also names a number of juniors workmen who were allowed to continue in service by the respondent-management. He also tried to prove that after his termination he has been without employment. The respondent Management in the affidavit of Shri R.M. Gupta, Ex. M3, however, deposed that the workman worked intermittently as a casual workman only for 96 days for the period from, September, 1984 to March, 19, 1985. The stand of the Management was that on 19-3-1985 the workman was deputed for duty with the respondent-Management by the Industrial Security and Allied Services Agency, Kapurthala. In support of their contention, the respondent Management also placed on record document Ex M8 which reveals that M/s. Industrial Security and Allied Services Agency had entered into a contract with the respondent-Management for providing them, industrial labour for working with them on behalf of the said Organisation. The terms and conditions

as contained in Ex. M8. reveals that the respondent-Management used to pay monthly charges to this organisation, who in turn was responsible for payment, of salary to the workman. The workman has not placed on record any letter of appointment or letter of termination from the respondent Management. He also admitted that fact in his cross-examination by the representative of the respondent Management. He has also admitted in the said cross-examination that he can not tell as to how much he has been paid the Food Corporation of India. It clearly means that he was obviously employed with the respondent Management through this Agency as referred to above. The respondent Management also examined Shri Puran Singh, Director, Industrial Security and Allied Services Agency who in his affidavit clearly deposed that the workman was a employee of the Agency and that his services were made available to the respondent Management by them. This affidavit of Shri Puran Singh, Ex. M9, thus, clinches the issue and proves that the workman was not employed by the respondent Management after 19-3-1985, and before that date he had worked with the respondent Management for less than 240 days. In this situation, it can not, therefore, be said that the termination of service of Shri Sawinder Singh as per reference received from the Central Government was illegal or unjustified. The reference of the Central Government shall stand answered accordingly and the same stands disposed of without any order as Costs.

Appropriate Government be, therefore, informed.

S. R. BANSAL, Presiding Officer

Chandigarh
Camp Bhatinda
28-10-1995
CHANDIGARH.
DATED :

नई दिल्ली, 23 नवम्बर, 1995

का.आ. 3326.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.बी.एम.बी. के प्रबन्धतंत्र के संवद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चण्डीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 21/11/95 को प्राप्त हुआ था।

[सं.एल.-42012/129/88 डी-2(बी)]

राजा लाल, डैस्क अधिकारी

New Delhi, the 23rd November, 1995

S.O. 3326.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Chandigarh as shown in the Annexure in the industrial dispute between the employers in relation to the management of B.B.M.B. and their workmen, which was received by the Central Government on the 21-11-1995.

[No. L-42012/129/88 D-2(B)]

RAJA LAL, Desk Officer

ANNEXURE

IN THE COURT OF SHRI S.R. BANSAL, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, (CENTRAL) CHANDIGARH

Ref. No. I.D. 92 of 1989

Jaswinder Singh

Workman.

Versus

Bhakra Beas Management Board.

Management

PRESENT :

For the workman : Sri R.K. Singh.

For the management : Shri C. Lal Sarcea.

AWARD

Dated : 18-10-1995

The Central Government Ministry of Labour in exercise of powers conferred on them under Section 10(1)(9d) and Sub-Section 2-A of Section 10 of the Industrial Disputes Act, 1947 (hereinafter referred to as the Act), vide their letter No. L-42012/129/88-D-2(B), dated 24-5-1989, referred the following industrial dispute to this Tribunal for adjudication :—

"Whether the action of the management Bhakra Beas Management Board, in terminating Shri Jaswinder Singh, Skilled Mazdoor with effect from February, 1987, is justified? If no, to what relief the workman is entitled to and from what date?"

On receipt of the above-said reference from the Central Government notice was sent to both the parties. On appearance, the workman preferred his statement of claim, to which the Management filed written statement through the Chief Engineer, Bhakra Beas Management Board, Nangal Township. The workman also filed the rejoinder to the written statement, reiterating the assertions as made by him in the claim statement.

As per claim statement as filed by the workman, he was employed as a skilled Mazdoor by the Bhakra Beas management Board Nangal Township, with effect from July 1, 1985, and he continued as such till February 17, 1987, when his services was terminated illegally and unlawfully. According to the workman he worked for more than 240 days and as per requirement of the Act, his services could not be terminated by the Respondent/Management without service of notice. He further alleged that his juniors were retained in service by the management and on this ground as well, his termination was legally uncalled for. It was further asserted by him the management was required to pay him the requisite compensation as per provisions of Section 25-F(b) of the Act. The Respondent/Management, however, submitted that the workman was employed on Daily Wage basis with effect from July 1, 1985 and he worked in the Nangal Workshop Division, Nangal only for 18 days in July, 1985. According to them, the workman did not work continuously but worked only intermittently for short and specified durations in different Divisions against different work as per work requirement. It was alleged that he left the job of own and he had not even completed 240 days in a Division. In Para No. 7 of the written statement, the Respondent/Management even indicated that the workman was still free to join the service of Respondent/Management in the capacity in which he worked earlier according to the casual requirement of the Division against differ works.

I have heard the representatives of the parties and he also gone through the record carefully. The workman adduced evidence in the form of his affidavit, Ex. W1, and closed the evidence. The Respondent/Management also similarly proposed their evidence in the shape of affidavit Ex. M1 of Sh. Ajmer Singh Nutt, Sub-Divisional Officer, Workshop Division, Nangal Township. The management also tendered affidavit of Shri N. S. Chawla, Supdt. Nangal Workshop Sub-Division, Nangal Township, which is Ex. M3, and M.W.1 Sh. Ajmer Singh, and M.W. 2 Shri N. S. Chawla were also produced for cross-examination by the opposite party and thereafter the management also closed its evidence. The workman also tendered in evidence document Ex. W2 and the Respondent/Management likewise tendered documents Ex. M2, M4 to M10 for appreciation by this court.

During the course of arguments, the representative of workman argued that the workman had worked with the Respondent/Management for not more than 240 days as admitted by the management before the Assistant Labour Commissioner as also in their written statement. He further argued that the only plea as advanced by the Management is that the workman has not worked for the required period in one Division and, thus, the provisions of Section 25-F of the Act are not attracted. He further argued that as per standing orders of the Board, the workman is entitled to one month's notice, in writing, from the Management in the event of termination of his service. He also argued that the Respondent/Management has been in fact following an unfair labour practice by employing the workman for specified period in different Divisions. The representative of the Respondent/Management, however, maintained the stand as already taken by the Management in their affidavits Exhibits M1 and M3. The document, Exhibit M. 3 as relied upon by the Respondent/Management reveals that Shri Jaswinder Singh workman amongst various others, was appointed as skilled mazdoor on daily wage basis at the rate of Rs. 13.40p per day in the Galvanizing Plant from 1-7-1985 to 28-7-1985. Affidavit Ex. M3 also reveals that later on the workman worked for specified days in October, 1985, November 1985, February, 1986 to October 1986 and 1-7-1987 to 2187 and in this way, he worked for a total period of 221 days i.e. for less than 240 days. Para 4 of the affidavit Ex. M3 also shows that the workman abandoned the job of his own and did not appear at the site of the work after February, 1987. Affidavit Ex. M1 as filed by Sh. Ajmer Singh Nutt, Sub-Divisional Officer also reveals that the Board had not framed any seniority list of Daily rated workers before 4/88. It is specifically denied in Affidavit Ex. M1 that the workman was retrenched by the Respondent/Management thereby involving payment of retrenchment compensation to him.

Shri R. K. Singh learned representative of the workman contended with some amount of vehemence that, workman is proved to have worked for a period of more than 240 days from Ex. W2 the chart containing the details of the service rendered by the workman during the relevant period in various sub-divisions of the management. According to him, on the basis of Ex. W2, it should be held that the workman has worked continuously for a period 240 days preceeding to the date of his termination. He also relied on Ex. W3 the copy of written comments furnished by the management in conciliation proceedings before the Labour-cum-Conciliation officer wherein the detail of the workman's days during the period from 7/85 to February 1987 for which workman worked in the various sub-divisions have been given by the management. In this connection, it may be noticed that Ex. W2 although admitted in evidence has not been proved. During cross-examination, the workman denied that he had served intermittently which runs contrary to the facts as depicted in Ex. W2. The management in para No. 7 of the written statement filed, categorically offered the workmen to join the management in the same capacity, according to casual requirements against different works. Although the workman in the corresponding paras of the replication pleaded that he is willing to join duty as and when called by the management. He however never reported for duty. It is admitted fact that no appointment letter was ever issued nor any termination order was passed. In view of all these, it can safely be concluded that Ex. W2 cannot be relied upon to hold that the workman had worked for a period of 240 days immediately preceding 12 calendar months to the date of his termination.

Coming now to Ex. W3, no doubt the workman proved to have worked for more than 240 days continuously in a period preceeding 12 calendar months to his termination, yet the fact remains that he worked in different divisions for the short duration. A similar question arose in case Lachman Dass petitioner Vs. BBMB Lab. I.C. 1992, page 1997. Speaking on behalf of the Division Bench, Hon'ble Mr. Justice H. S. Bedi of our own High Court observed that no fault could be found with earlier decision taken by the Board on 8-7-1988 and contention that the entire service put in by the petitioner in project ought to be considered in determining his seniority can not be accepted. Incidentally, it was a case involving the BBMB. Bunch of petitions were pending before the Hon'ble High Court. Earlier writ petition No. 27/88 was filed in the H. P. High Court. In

the said writ petition a division bench of H. P. High Court issued directions with regard to the preparation and maintenance of the seniority registers/casual cards well as with regard to the employment/deployment of daily waged workmen engaged by different departments of the State Governments and by various Statutory Corporations. Local Authorities etc. In pursuance of those instructions, the management framed a policy dated 8-7-88, where instructions were laid down for conversion of work-charged staff and daily rated staff to regular staff. The definition of employer was amended so as to make Executive Engineer employer of a daily rated workman. The policy of regularisation was thereafter, challenged in the Himachal Pradesh High Court Kishnoo Ram's case in CWP No. 274 of 1990. The said writ petition was dismissed by the Division Bench vide judgement dated 19-7-90. The maintenance of seniority at division level was approved by the Division Bench and it was categorically held that the instructions for the maintenance of seniority list of daily rated workers at the division level was good as the method of determining as adopted by the respondent on the basis of the direction of the Hon'ble H. P. High Court. Against the judgement of the Division Bench a Civil Appeal No. 5635 of 1990 arising out of SLP (C) No. 11430 of 1990 was filed but was disposed of by the Hon'ble Supreme Court with the seal of approval on the policy laid down. Hon'ble Mr. Justice H. S. Bedi, therefore, ruled that since the policy decision to prepare and maintain the seniority list of daily wage workers at division/sub-division/sectional level separately has tacit approval of the Hon'ble Supreme Court. The plea of Lachman Dass petitioner did not find favour with the Hon'ble High Court and consequently his writ petition was dismissed.

It would thus become quite manifest and evident that the workman has not been able to rebut the contention of the management as highlighted above and the management has been able to prove that the workman has not worked for 240 days. In the situation, there appears to be no force in the claim of the workman that his services were terminated illegally w.e.f. February 17, 1987 by the management. Resultantly, the workman is not entitled to the protection of Section 25-F of the Act. No prior notice was required to be issued nor any retrenchment compensation was required to be paid. The termination of the services of the workman, therefore, does not suffer from any illegality of infirmity and it has to be held as a necessary corollary that workman is not entitled to any relief. The reference, shall therefore, stand answered against the workman accordingly.

Appropriate Government be informed.

Chandigarh.
18-10-1995.

S. R. BANSAL, Presiding Officer

नई दिल्ली, 23 नवम्बर, 1995

का.आ. 3327.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूच में, केन्द्रीय सरकार की ओर से के प्रवर्धन के संबंध नियोजकों और उनके कर्मचारों के बीच अनुसूच में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चण्डीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-11-95 को प्राप्त हुआ था।

[सं. एल-12012/174/39 शे-2 (बी)]

राजधानी, ईस्ट अफ्रीका

New Delhi, the 23rd November, 1995

S.O. 3327.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Chandigarh as shown in the Annexure in the industrial dispute between the employers in relation to

the management of B.B.M.B. and their workmen, which was received by the Central Government on the 21st November, 1995.

[No. L-42012/174/89-D-2(B)]

RAJA LAL, Desk Officer

ANNEXURE

BEFORE SHRI S. R. BANSAL, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, CHANDIGARH

Case No. I.D. 47/90

Rashpal Singh

Vs.

B.B.M.B.

PRESENT :

For the workman—R. K. Singh.

For the management—R. C. Sharda.

AWARD

Dated : 12-10-1995

In exercising of the powers U/S 10(1)(d) of the Industrial Disputes Act, 1947 (for short called as the Act), Central Government vide No. L-42012/174/89-D-2(B) dated 24th April, 1990, has referred the following dispute to this Tribunal for adjudication :—

"Whether the action of the management of BBMB represented through the Chief Engineer, Sub-Division, Bhakra Mechanical Division in terminating the services of Shri Rashpal Singh S/o Shri Jagat Ram w.e.f. 30th June, 1989 is justified? If not, that what other relief the workman is entitled to and with what effect."

On receipt of the reference, the notices were issued to the workman as well as the management. The workman appeared and submitted his statement of claim, pleading therein that he served the management for more than 240 days in a period preceding 12 months the date of his termination. He has prayed for his reinstatement with full back wages.

The management appeared and resisted the claim of the workman by filing written statement.

The workman submitted the replication controverting the allegation of the management in the written statement.

The workman submitted his own affidavit. Today when the case was fixed for cross-examination of the workman, the representative of the workman has made the statement that the workman does not want to pursue the present reference and does not want to lead any evidence and the same may be treated as closed. The representative of the management also closed its evidence.

In this view of the matter, since there is no evidence to substantiate the claim of the workman, reference is answered against the workman.

The appropriate Government be informed
Chandigarh,

Dated : 12-10-1995.

S. R. BANSAL, Presiding Officer

नई दिल्ली, 23 नवम्बर, 1995

का.अ. 3328.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार वी.सी.एस.वी. के प्रबन्धन के संस्थापकों और उनके कर्मचारियों के बीच, धनबन्ध

निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चण्डीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार का 21 नवम्बर, 1995 को प्राप्त हुआ था।

[सं. एल-42012/56/85 डी-2(बी)]

राजालाल, डेस्क अधिकारी

New Delhi, the 23rd November, 1995

S.O. 3328.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure in the industrial dispute between the employers in relation to the management of B.B.M.B. and their workmen, which was received by the Central Government on 21-11-1995.

[No. L-42012/56/86-D.II (B)]

RAJA LAL, Desk Officer

ANNEXURE

BEFORE SHRI S. R. BANSAL, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, CHANDIGARH

Case No. I. D. 49/87

Ramesh Chand.

Vs.

Bhakra Beas Management Board.

PRESENT :

For the workman—Shri R. K. Sinha.

For the management—Shri C. Lal.

AWARD

The Central Government exercising the powers U/S 10(1)(d) of the Industrial Disputes Act, 1947 (for short called as the Act) vide its letter No. L-42012/56/86-D.II (B) dated 10th July, 1987, has referred the following dispute to this Tribunal for adjudication :—

"Whether the action of the management of BBMB in terminating the services of Shri Ramesh Chand son of Shri Behar Lal unskilled mazdoor in its township Division at Nangal Township w.e.f. 1-7-84 is just and legal? If not, to what relief is Shri Ramesh Chand entitled to and from what date?"

On receipt of the reference, notices were issued to the workman as well as to the management. The workman submitted statement of claim in which he demanded his reinstatement with continuity of services and back wages. The management filed written statement controverting the allegations as made by the workman in his statement of claim.

In short the case set up by the workman in his statement of claim is that he joined the services of the management as unskilled mazdoor in the water supply sub-division of Township Division BBMB Nangal on 1-2-1983 and continuously worked till 30-6-1984 when his services were illegally terminated although he had rendered more than 240 days of service continuously in a period of 12 months preceding to his termination. The grievance of the workman is that no prior notice was given to him nor any retrenchment compensation was paid and that a number of juniors were retained. It was also alleged that new persons have also been recruited and that the work on which he was employed is of permanent nature.

The management has admitted that the workman remained employed intermittently during the period from February 1983 to June 1984. The plea however raised is that the work against which he was employed was of a short duration and of temporary nature. No appointment letter was issued nor any termination order was passed. It was denied that any junior was retained or any fresh recruitment was made.

It was pleaded that the workman worked for the following days as given in para No. 8 of the written statement :—

Month	No. of days
2/83	28
3/83	19
4/83	Nil
5/83	28
6/83	28
7/83	Nil
8/83	28
9/83	28
10/83	Nil
11/83	25
12/83	28
1/84	Nil
2/84	27
3/84	15
4/84	Nil
5/84	25
6/84	16

The plea raised is that the workman is not entitled to any relief and his claim statement is liable to be rejected.

When called upon to adduce evidence, the workman submitted his own affidavit Ex. W-1 and appeared in the witness box as WW-2. He also produced WW-1 Ravinder Singh Senior Clerk BBMB Nangal who testified that the workman worked for a period of 28 days in the month of January 1983 and 29 days in the month of July 1983 in the Nangal Electric Sub Division of Bhakra Electric Division Nangal. The management produced affidavit Ex. M-1 of Shri Chanan Singh SDO Water Supply and Sanitary Sub Division Nangal and the said officer also appeared in the witness box as MW-1 and proved his affidavit Ex. M-1. During cross-examination, he testified that the workman worked for number of days as depicted in Chart Ex. M-2. It is further admitted that no seniority list was maintained regarding daily rated workers and the witness was unable to deny about the workman having worked in any other sub division of the BBMB. It would thus show that the workman worked for a period of 196 days in a period preceding 12 months from the date of his termination. He thus did not render 240 days of continuous service within the meaning of Section 2(s) of the Act. No doubt WW-1 Ravinder Singh has stated the workman worked for a period of 29 days in July 1983 and for another 29 days in January 83 but the said service was rendered by the workman in a different sub division i.e. Nangal Electric Sub Division of Bhakra Electric Division. A similar question arose in case Lachhman Dass petitioner Vs. BBMB Lab. I.C. 1992, page 1997. Speaking on behalf of the Division Bench, Hon'ble Mr. Justice H. S. Bedi of our own High Court observed that no fault could be found with earlier decision taken by the Board on 8-7-1988 and contention that the entire service put in by the petitioner in project ought to be considered in determining his seniority can not be accepted. Incidentally it was a case involving the BBMB. A Bench of petitions were pending before the Hon'ble High Court. Earlier writ petition No. 27/88 was filed in the H.P. High Court. In the said writ petition a division bench of H.P. High Court issued directions with regard to the preparation and maintenance of the seniority registers/casual cards as well as with regard to the employment/deployment of daily waged workmen engaged by different departments of the State Governments and by various Statutory Corporations, Local Authorities etc. In pursuance of those instructions, the management framed a policy dated 8-7-88, where instructions were laid down for conversion of workcharged staff and daily rated staff to regular staff. The definition of employer was amended so as to make Executive Engineer employer of a daily rated workman. The policy if regularisation was thereafter challenged in the Himachal Pradesh High Court Kishnoo Ram's case in CWP No. 274 of 1990. The said writ petition was dismissed by the Division Bench vide judgement dated 19-7-90. The maintenance of seniority at division level was approved by

the Division Bench and it was categorically held that the instructions for the maintenance of seniority list of daily rated workers at the division level was good as the method of determining as adopted by the respondent on the basis of the direction of the Hon'ble H. P. High Court. Against the judgement of the Division Bench a civil appeal No. 5635 of 1990 arising out of SLP (C) No. 11430 of 1990 was filed but was disposed of by the Hon'ble Supreme Court with the seal of approval on the policy laid down. Hon'ble Justice H. S. Bedi, therefore, ruled that since the policy decision to prepare and maintain the seniority list of daily wage worker at division/sub-division/section level separately has tacit approval of the Hon'ble Supreme Court. The plea of Lachhman Dass petitioner did not find favour with the Hon'ble High Court and consequently his writ petition was dismissed.

It was thus follow as necessary corollary that the services of the workman has to be counted at division/sub-division/section level basis and therefore, the services rendered by him in Nangal Electric Division can not be counted towards the services rendered by him in Water Supply and Sanitation Sub Division Nangal. Since the workman has not rendered 240 days of continuous service in a period preceding 12 months, he is not entitled to the protection of Section 25-F of the Act. Therefore, no prior notice was required to be given nor any retrenchment compensation was required to be paid. The termination of the services of the workman is, thus, in conformity with the legal provisions as obtaining in the case and the workman can not be held entitled to any relief on account of the same. The reference shall therefore, stand answered against the workman. Appropriate Government be informed accordingly.

Chandigarh,

Dated : 31-10-1995.

S. R. BANSAL, Presiding Officer

नई दिल्ली, 23 नवम्बर, 1995

का.प्र. 3329.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी बीएमबी के प्रबन्धतंत्र के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चण्डीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-11-95 को प्राप्त हुआ था।

[सं. एन-42012/1/86 डी-II (बी')]]

राजालाल, डेस्क अधिकारी

New Delhi, the 23rd November, 1995

S.O. 3329.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Chandigarh as shown in the Annexure in the industrial dispute between the employers in relation to the management of B.B.M.B. and their workmen, which was received by the Central Government on 21-11-1995.

[No. L-42012/1/86-D.II (B)]

RAJA LAL, Desk Officer

ANNEXURE

New Delhi, the 23rd November, 1995

BEFORE SHRI S. R. BANSAL, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, CHANDIGARH

Case No. I. D. 36/87

Sucha Singh Vs. BBMB

For the workman—R. K. Singh.

For the management—R. C. Sharda.

AWARD

Dated, the 12th October, 1995

The Central Government exercising the powers U/S 10(1) (d) of the Industrial Disputes Act 1947 (for short called as Act), vide its letter No. L-42012/1/86-D.II (B) dated 22nd May 1987 has referred the following dispute to this Tribunal for adjudication :—

"Whether the action of the management of Resident Engineer, Gangawal Kotta Power House Division, BBMB in terminating the services of Shri Sucha Singh S/o Shri Ghan Singh w.e.f. 3-4-80 is legal and justified ? If not, to what relief the concerned workman is entitled to and from what date ?"

On receipt of the reference, notices were issued to the workman as well as to the management. The workman appeared and submitted his statement of claim, pleading therein that he served the management for more than 240 days continuously in a calendar year preceeding to the date of his termination and prayed for his reinstatement with full back wages and consequential benefits.

The management appeared and resisted the claim by filing written statement.

The workman submitted the replication controverting the allegations of the management as made in the written statement and reiterated his earlier stand of the claim statement.

The workman submitted his affidavit. Today when the case was fixed for cross-examination of the workman, the rep. of the workman has made the statement that the workman has got the employment somewhere else. He does not want to proceed with the present reference and the same may be answered against him and the evidence already led may not be read as evidence in this reference.

In view of the statement of the rep. of the workman, the reference is answered against the workman.

The appropriate Government be informed.

Chandigarh,

Dated : 12-10-1995.

S. R. BANSAL, Presiding Officer

नई दिल्ली, 23 नवम्बर, 1995

का.अ. 3330.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूचन में, केन्द्रीय सरकार बीवी एमसी के प्रबन्धन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चण्डीगढ़ के रजिस्ट्रार को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-11-95 को प्राप्त हुआ था।

[मं. एल-42012/46/86-डी-II (बी)]

राजालाल, हेमक अधिकारी

29-0 GI/95-5

S.O. 3330.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Chandigarh as shown in the Annexure in the industrial dispute between the employers in relation to the management of B.B.M.B. and their workmen, which was received by the Central Government on 21-11-1995.

[No. L-42012/46/86-D.II (B)]

RAJA LAL, Desk Officer

ANNEXURE

IN THE COURT OF SHRI S. R. BANSAL, PRESIDING
OFFICER, INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT (CENTRAL)

Case No. I. D. 80/87

S. Bikram Singh

.. Workman

Vs.

Bhakra Beas Management Board

.. Management.

PRESENT :

For the workman—Shri R. K. Singh.

For the management—Shri C. Lal.

AWARD

Dated, the 16th October, 1995

The Central Government in exercise of powers conferred by Section 10(2-A)(i)(d) of the Industrial Disputes Act, 1947 referred to this Tribunal the following dispute for adjudication vide letter No. L-42012/46/86-D.II (B) dated 10th September 1987 :—

"Whether the action of the management BBMB in terminating the services of Shri Bikram Singh S/o Shri Mehar Chand, mazdoor in its Bhakra Power House Division at Nangal Township w.e.f. 1-8-85 is legal and just ? If not to what relief is the workman entitled to and from what date ?"

On receipt of the above said reference from the Central Government notice was sent to both the parties.

The workman filed his claim statement dated 26-9-87 and the management filed their written statement dated 5-5-88 and the workman also filed rejoinder to the written statement. The workman in his claim statement had stated that he had joined the service with respondent management w.e.f. 1-1-76 and he continued as such till 31-7-85 when his services were terminated by the management w.e.f. 1-8-85 without complying with the provision of the Act. The respondent management, however, in their written statement asserted that the petitioner himself absented from duty after 31-7-85.

I have heard the representatives of the parties and have also go through the record. The workman tendered his affidavit Ex. W-1 dated 14-2-89 and according to his deposition his services were terminated by the respondent management without holding any enquiry or without issuance of notice as per the requirement of the Act. He also deposed that his termination was ordered by the SDO, who was not even his appointing authority. The respondent management however in the affidavit of Shri T. S. Randhawa Ex. M-3 asserted that the workman refused to work w.e.f. 1-8-85 on work beyond 31-7-85. It was also deposed that before the wards and inform he himself did not turn up to attend the conciliation officer 12-3-86, the respondent management offered reinstatement the workman with continuity of past service but without any back wages and the workman did not avail of the offer. Both the tenderers as of the affidavits were produced for cross-examination by the opposite parties. No doubt the cross-examination of Shri T. S. Randhawa Ex. MW-1 reveals that on account of absence from duty the respondent management has not issued any charge sheet to the workman and also that no enquiry was also held against

him. It is also admitted that workman had completed 240 days as per the requirement of the Act.

The case however set up by the management is that they never terminated the services of the workman and that workman of his own abandoned his job. During cross-examination while appearing as WW-1, the workman admitted that he received Ex. M-1 copy of letter dated 6-8-85 from Sub Divisional Officer Civil Works Sub Division BBMB Nangal addressed to him and further admits the receipt of letter dated 26-8-85 from the same officer addressed to him Ex.1. The perusal of Ex. M-1 shows that it was intimated that he absented from duty since 31-7-85 without any information. He was therefore, advised to attend the duty immediately and also explain the reason for remaining absent from duty. Similarly letter Ex. M-2 shows that while making the reference to the earlier communication dated 6-8-85, it was pointed to the workman that he has failed to attend the duty till that day and he was advised to attend duty within a week from the issue of the said letter. It was also intimated to the workman that if he does not attend the duty within stipulated period, he will be disengaged from the work without any further notice. Affidavit Ex. M-3 of Shri T. S. Randhawa Resident Engineer of the management also reveals this fact. It also reveals that the workman did not bother either to acknowledge the letters sent to him or to give any reason. Similarly letter Ex. W-5 produced by the workman further reveals that the workman despite earlier communication referred to above remained continuously absent from the work up to 12-9-1985. His name was ordered to be removed from the muster roll. Keeping in view of the overwhelming documentary evidence produced on the file, the management was not required to prove anything else to show that the workman had abandoned the job himself. In the circumstances, although the workman had completed 240 days continuously, yet no charge sheet was required to be served nor any recourse to the provisions of Section 25-F of the Act was required to be made. In fact there is no termination. This is a clear case of abandonment of job by the workman himself. It would thus become manifest that the Appropriate Government had erroneously made reference in the matters as neither there exist any dispute nor the same was apprehended. The reference made, is thus, bad in law as workman of his own abandoned the job. On these premises the workman can not be held entitled to any relief. The reference is, therefore, returned.

Appropriate Government be informed accordingly.
Chandigarh,
Dated : 16-10-1995.

S. R. BANSAL, Presiding Officer

नई दिल्ली, 23 नवम्बर 1995

का.पा. 3331.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एन सी एल के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 20 नवम्बर, 1995 को प्राप्त हुआ था।

[सं. एल-22012/184/92 आई आर (सी-II)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 23rd November, 1995

S.O. 3331.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Kanpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of N.C. Ltd. and their workmen, which was received by the Central Government on 20-11-1995.

[No. L-22012/184/92-IR (C-II)]
RAJA LAL, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT PANDU NAGAR, DEOKI
PALACE ROAD, KANPUR

Industrial Dispute No. 129 of 1992

In the matter of dispute :

BETWEEN

Sri Shiv Murat Yadav
C/o Indra Pal Yadav
Vill. Darauli
Post Dilavan
District Pratapgarh.

AND

General Manager
Kakari Project NCL
P.O. Bina Project
District Sonbhadra.

AWARD

1. Central Government, Ministry of Labour, New Delhi, vide its Notification No. L-22012/184/92-IR (B-II) dated 14/22-10-92 has referred the following dispute for adjudication to this Tribunal—

Whether the action of the General Manager Kakari Project (Northern Coalfields Ltd.) in awarding punishment of dismissal to Shiv Murat Yadav vide his order No. KKR/PNL/DA/Dismissal/91/2370 dated 7-9-91 is legal and justified? If not to what relief the workman is entitled to?

2. In the instant case on 19-10-95 a joint application to the effect that they have arrived at an amicable settlement was moved by the parties with the request that the present reference be answered accordingly in terms of the settlement.

3. In view of it the reference is answered accordingly.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 23 नवम्बर, 1995

का.पा. 3332.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बीवीएमबी के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चण्डीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 21 नवम्बर, 1995 को प्राप्त हुआ था।

[सं. एल-42012/32/91आईआर(डीयू)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 23rd November, 1995

S.O. 3332.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Chandigarh, as shown in the Annexure in the industrial dispute between the employers in relation to the management of B.R.M.B. and their workmen, which was received by the Central Government on the 21-11-95.

[No. L-42012/32/91-IR(DU)]

RAJA LAL, Desk Officer

ANNEXURE

नई दिल्ली, 27 नवम्बर, 1995

BEFORE SHRI S. R. BANSAL, PRESIDING
OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, CHANDIGARH

CASE NO. I.D. 146/91

Niranjan Singh Vs. BBMB.

For the workman.—R. K. Singh.

For the management.—R. C. Sharda.

AWARD

Dated the 12th October, 1995

In exercising of the powers U/s. (1)(d) of the Industrial Disputes Act, 1947 (for short called as the Act), Central Govt. vide No. L-42012/32/91-I.R. (D.U.) date 9th October, 1991, has referred the following dispute to this Tribunal for adjudication :

“Whether action of the Chief Engineer, Bhakra Dam, BBMB, in terminating the services of Shri Niranjan Singh S/o Shri Bachan Das with effect from 1-11-89 and subsequently on 15-7-90 is justified and legal, If not, to what relief the workman is entitled to ?”

On receipt of the reference, the notices were issued to the workman as well as the management. The workman appeared and submitted his statement of claim pleading therein that his termination of service is illegal and prayed for his reinstatement with full back wages.

The management appeared and resisted the claim of the workman by filing of written statement.

The workman submitted the replication controverting the allegations of the management in the written statement.

The workman submitted his own affidavit. To-day when the case was fixed for cross-examination of the workman, the rep. of the workman has made the statement that the workman does not want to pursue the present reference and does not want to lead any evidence the same may be treated as closed. The rep. of the management also closed its evidence.

In this view of the matter, since there is no evidence to substantiate the claim of the workman, the reference is answered against the workman.

The appropriate Govt. be informed.

Chandigarh.

12-10-1995.

S. R. BANSAL, Presiding Officer

का.भा. 3333.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मंसर्स हिण्डालको इण्डस्ट्रीज लि. के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिरक्षण, नं. 1 धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-11-95 को प्राप्त हुआ था।

[संख्या एल-43012/13/93-आईआर (विविध)]

बी.एम. डेविड, डेस्क अधिकारी

New Delhi, the 27th November, 1995

S.O. 3333.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, No. 1, Dhanbad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. Hindalco Industries Ltd. and their workman, which has received by the Central Government on the 24-11-95.

[No. L-43012/13/93-IR(Misc.)]

B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under Section
10(1)(d) of the Industrial Disputes Act,
1947.

Reference No. 3 of 1994

PARTIES :

Employers in relation to the management of
M/s. Hindalco Industries Limited,
Lohardaga.

AND

Their Workman

PRESENT :

Shri P. K. Sinha, Presiding Officer.

APPEARANCES :

For the Employers—Shri G. Prasad, Advocate.

For the Workmen—None.

STATE : Bihar

INDUSTRY : Bauxite

Dated, the 13th November, 1995

AWARD

By Order No. L-43012/13/93-IR(Misc.) dated 10-1-94 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2-A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the action of the management of M/s. Hindalco Industrial Ltd. is justified in terminating the services of workman Shri Ramjit Oraon with effect from 28-2-1992 after employing him continuously from 12-4-1991 to 27-2-1992 without paying him notice pay in lieu of notice of one month and retrenchment compensation ? If not, to what relief, the workman is entitled to ?”

2. The dispute has been settled out of the Tribunal. A memorandum of settlement has been filed in this Tribunal duly signed by both the parties including the concerned workman. I have gone through the terms of compromise and I find the same to be fair and just. Therefore, I accept the terms of compromise and render an award accordingly. The memorandum of settlement shall form part of the award.

3. Let a copy of this award be sent to the Ministry as required under Section 15 of the Industrial Disputes Act.

P. K. SINHA, Presiding Officer

BEFORE THE PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL NO. I, DHANBAD

Reference No. 3 of 1993

Employers in relation to the Management of
M/s. Hindalco Industries Limited,
Lohardaga.

AND

Their Workman

The humble joint petition of Compromise on behalf of the parties most respectfully
Shewth :—

1. That, the parties have amicably settled the industrial dispute relating to the aforesaid reference on the following terms and conditions :—

- (1) That, Sri Ramjit Oraon, the workman concerned, shall be taken as temporary Mazdoor at Hindalco Mines within 30 days of this joint petition of compromise accepted by the Hon'ble Tribunal;
- (2) That, the workman shall not be paid wages or any other benefits for the in-

tervening period between the date of dismissal and re-instatement.

- (3) That, the workman shall be paid the wages as are payable to other workman working in the same category, and regularised after six months.
- (4) That the workman shall have no other claim whatsoever as against the instant reference;
- (5) That, the workman shall maintain good conduct and should be indulge in any misconduct in future and if it is proved in a domestic enquiry, the management shall have the right to take disciplinary action as may be necessary;
- (6) That, the management may transfer him to other establishment, as and when required, from time to time, as per provision of the standing orders;
- (7) That, it is agreed that this is an over all agreement/settlement in full and final settlement of all the claims of the workman arising out of the above reference.
- (8) That, the parties agreed that the settlement is fair, just and proper, and have set their hands after understanding the same.
- (9) That, it was also agreed that six copies of this settlement be filed before the Hon'ble Tribunal and the Tribunal may be prayed to pass an award in terms of the settlement.

It is, therefore, prayed that your Lordship may be graciously pleased to accept the settlement and pass an award in terms of the settlement and for this act of kindness the parties shall ever pray.

For the Workmen :

For the Employers :

Sd/- Illegible

Sd/-

Witness Illegible signature

Witness Illegible signature

Advocate.

Part of the Award.

नई दिल्ली, 4 दिसम्बर, 1995

का.आ. 3334—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पी.ओ. बिन्लवरायर के प्रबन्धतंत्र के संबद्ध निवोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, मद्रास के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-12-95 को को प्राप्त हुआ था।

[संख्या एल-44012/30/93-आई.आर. (विविध)]

बी.एम. डेविड, डेस्क अधिकारी

New Delhi, the 4th December, 1995

S.O. 3334.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Madras as shown in the Annexure in the industrial dispute between the employers in relation to the management of P. Joe Villavarayer and their workmen, which has received by the Central Government on the 1-12-95.

[No. L-44012/30/93-IR(Misc.)]

B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL,
TAMIL NADU MADRAS

Monday, the 16th day of October, 1995

PRESENT:—

Thiru N. Subramanian, B.A.B.L., Industrial Tribunal.

Industrial Dispute No. 114/1994

(In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the Workman and the Management of P. Joe Villavarayer, Tuticorin).

BETWEEN :

Thiru Baskar Morais,
C/o. The General Secretary,
Tirunelveli District Democratic
General Workers Union,
Tuticorin-628 001.

AND

Thiru P. Joe Villavarayer,
C/o. The Secretary,
The Tuticorin Sailing Vessel Owners'
Association,
72, Thattar Street,
Tuticorin-628 001.

Reference : Order No. L-44012/30/93-IR(Misc),
dated 44-94, Ministry of Labour,
Govt. of India, New Delhi.

This dispute coming on for final hearing on Friday, the 22nd day of September, 1995 upon perusing the reference, Claim statement, and all other material papers on record and upon hearing the arguments of Tvl. R. Arumugam and M. Jayaprakash, Authorised Representatives for Workman and the Management being absent, and set exparte, this Tribunal made the following.

AWARD

The Government of India by its Order No. L-44012/30/93IR(Misc), dated 4-4-94, referred for

adjudication by this Tribunal u.s. 10(1)(d) of the Industrial Disputes Act, 1947 regarding the dispute.

“Whether the action of the Management of P. Joe Villavarayer, in denying employment to Sn. Baskar Morais, is justified? If not, to what relief the concerned workman is entitled?”

2. The case of the petitioner is as follows :

The petitioner was working as one of the boatman under the respondent in Boat No. TU 32 from 1987. The duties of the boat man are to carry the Cargo to the Ship in the boats and also to bring the cargo from the Ship to the Shore. The respondent paid monthly wage on piece rate basis at Rs. 1,500/- to Rs. 2,000/- per month. He was paid Rs. 5/- as batta to the petitioner and Rs. 55/- as educational allowance to their Children. The petitioner and other similar workers working with other boat owners joined together and formed a Union to place the grievance before Management. The respondent and other boat owners disliked the formation of the Union and in retaliation, orally terminated the service of the President of the Union. The respondent refused to give work to the petitioner from 13-2-91. All the workers went on a strike for 15 days from 27-1-91. Conciliation talk before the Collector did not materialise. Hence they raised the dispute before the Conciliation Officer. After failure of the Conciliation, the Central Government has referred the dispute for adjudication. The respondent denied employment to the petitioner only on the sole ground that a new Union was formed and the petitioner joined in that Union. Petitioner was not charge sheeted. No enquiry was conducted. The action of the respondent in denying employment is in total violation of principles of natural justice. The petitioner has put in more than 4 years of service. The petitioner is a permanent boatman and cannot be thrown out in that fashion. Various provisions of the Industrial Disputes Act are not followed. The action of the respondent is clearly an unfair labour practice and victimisation. Hence the dispute has been raised.

2. The respondent remained exparte.

3. WWI was examined and Exs. W-1 to W-5 were marked. According to him he was working as a boatman from 1987 under the respondent. In 1991 the workers formed a Union and placed their demands before the Management. Aggrieved by the demands by the petitioners and others, the respondent refused to give work to the petitioner from 13-12-91. The petitioner had put in more than 4 years of continuous service. He was not charge sheeted and no enquiry was conducted. The provisions of the Industrial Disputes Act, particularly Sec. 25-F was not fol-

lowed. So, it is clearly proved from the evidence of WW1, and the documents marked, the denial of work to the petitioner by the respondent is not justified.

In the result, an award is passed directing the respondent to reinstate the petitioner in service with continuity of service and back wages. No costs.

Dated, this the 16th day of October, 1995.

THIRU M. SUBRAMANIAN, Industrial Tribunal

WITNESSES EXAMINED

For Workman :

W.W.1 : Thiru R. Baskar Morais.

For Management : None

DOCUMENTS MARKED

For Workman :

Ex. W-1 : Xerox copy of Photo pass issued to Thiru R. Baskar Morais.

W-2 : Dispute raised by Th. R. Baskar Morais, before the Assistant Labour Commissioner (Central) Madras, under Section 2-A of the I.D. Act (Xerox copy).

W-3 : Counter filed by the Management before the Labour Enforcement Officer (Central), Madras (Xerox copy).

Ex. W-4|3-6-92 : Letter from Harbour Master, Tuticorin Port Trust, Marine Department, to the Traffic Department, (TPT) regarding termination of boat workers (Xerox copy).

Ex. W-5|21-2-91 : Letter from the General Secretary, Boat Workers' Union, Tuticorin to the District Collector, Tuticorin (Xerox copy).

For Management : Nil

नई दिल्ली, 28 नवम्बर, 1995

का. घा. 3335 औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार में ईस्टर्न कोलफील्ड्स लि. का कपासरा क्षेत्र के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण (सं. 1) धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-11-95 को प्राप्त हुआ था।

[संख्या—एल—20012/4/92—आईआर (कोल—I)]

ब्राज मोहन, डेस्क अधिकारी

New Delhi, the 28th November, 1995

S.O. 3335.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, (No. 1) Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Kapasara Area of M/s. Eastern Coalfields Ltd. and their workmen, which was received by the Central Government on 22-11-95.

[No. L-20012/4/92-IR(Coal-I)]

BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under section 10(1)(d)(2-A) of the Industrial Disputes Act, 1947.

Reference No. 59 of 1993

Parties :

Employers in relation to the management of Kapasara Area of M/s. Eastern Coalfield Ltd.

AND

Their Workmen.

Present :

Shri P. K. Sinha, Presiding Officer.

Appearances :

For the Employers : None.

For the Workmen : Shri D. Mukherjee, Secretary, Bihar Colliery Kamgar Union.

STATE : Bihar

INDUSTRY : Coal

Dated, the 15th November, 1995

AWARD

By Order No. L-20012(4)/92-I.R. (Coal-I) dated the 15th January, 1993, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2-A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal:

“Whether the action of the management of Kapasara Area of M/s. Eastern Coalfield Ltd. in dismissing S/Shri Jawahar Kumar Singh and Naresh Prasad Singh of Kumardhubi Colliery from the service of

the Company w.e.f. 1-7-86 is justified ?
If not, to what relief is workman is entitled ?

2. The sponsoring Union filed its written statement stating therein that both the concerned workmen, namely, S/Shri Naresh Prasad Singh and Jawahar Kumar Singh were appointed by the management against permanent vacancies under the "Land Looser Scheme". It has been claimed that the concerned workmen were owners of land in Plot No. 671, Khata No. 49. It has further been stated that other parts of the land under the same plot number belonged to two other persons also, namely, S/Sri Mantu Kumar Mandal and Rajendra Kumar Sharma who also were provided employment under the same Scheme. It has been claimed that before taking the land the management had sought information about title and possession of the concerned workmen, from the concerned Circle Officer. The Circle Officer authenticated the ownership of the concerned workmen on the basis of which they were given employment.

3. It has been alleged that all of a sudden the management issued chargesheet to both the concerned workmen on 24-2-86 (Ext. W-1). They were charged that the land in question belonged to State Government, and that by showing the land to be theirs, they had cheated the Company by procuring employment as Land Looser. Both the workmen replied in writing denying the charges and also filed authentic documents in support of their ownership. It is alleged that still than the management, on the instruction of the District Administration, dismissed the concerned workmen on the basis of the aforesaid invalid and irregular departmental enquiry. This was done by the management on the basis of a letter written by the Deputy Commissioner, Dhanbad. The two other workmen, S/Shri Mantu Kumar Mandal and Rajendra Kumar Sharma were also dismissed similarly. Those two workmen challenged the dismissal and raised industrial dispute which was referred to the Central Govt. Industrial Tribunal, Dhanbad which rendered an award in favour of those two workmen which award already stands implemented.

4. After passing of the award in favour of similarly situated other two workmen, the concerned workmen approached the management for settlement of the issue which the management refused to do, hence this reference. It has been submitted that the action of the management in dismissing the concerned workmen with effect from 1-7-86 was illegal. A prayer has been made for directing the management to reinstate the two concerned workmen.

5. From the record it will appear that the management made its appearance on 3-2-94 through its lawyer, Shri R. S. Murthy, who took some adjournments for filing written statement. On 16-5-94

this prayer was allowed with cost of Rs. 100/- (Rupees One hundred). On the next two dates the lawyer of the management was not present. When on the third date (15-9-94) also the management remained unrepresented, the reference was placed for hearing on merit and the sponsoring Union was directed to adduce evidence on 5-1-95.

6. On 5-1-95 another lawyer filed letter of authority issued from the management and sought further time for filing written statement, but without paying the cost already levied. Since the case was already fixed for evidence, the sponsoring Union was directed to adduce evidence on the next date and the management was given opportunity to renew its prayer after it actually filed its written statement on the next date. But on 28-4-95, the next date, no one was present on behalf of the management hence the sponsoring Union was allowed to adduce its evidence after which it closed its case. Thereafter, the case was fixed for argument. But it appears that on the next three dates also the management remained unrepresented hence arguments had been heard. So, it is clear that in view of gross negligence exhibited by the management in conducting its case, this Tribunal had proceeded in terms of Rule 22 of the Industrial Disputes (Central) Rules, 1957.

7. The concerned workman, Naresh Prasad Singh has been examined by the sponsoring Union as its witness. Ext. W-1 is the photo copy of the chargesheet issued to the concerned workman claiming that the lands which they had sold to the Company actually belonged to the State Government, hence they had cheated the Company in getting themselves appointed as land losers.

8. W.W.1 has given evidence on behalf of both the concerned workmen. He has submitted that both had been appointed in September, 1983 in the same post on the ground that the college had taken over their lands. Those lands they had registered in favour of M/s. E. C. Ltd. It has further been claimed that the Company had enquired about their ownership from the office of the Circle Officer and only after verification the management had offered service to them.

9. This witness further stated that both the workmen were served with chargesheet dated 24-2-86 alleging that the land did not belong to them. They had submitted their reply to the management. This witness claimed that the management had not conducted any domestic enquiry, but had removed them from service with effect from 1-7-86. This witness also has given description of the land. This witness further submitted that S/Sri Mantu Kumar Mandal and Rajendra Kumar Sharma were also given service by the company on the same ground, relating to the lands under the same plot number and khata number. They also were dismissed from service on the same allegation,

but they already have been reinstated into service on an award in their favour rendered by this Tribunal. This witness claimed that their dismissals were wrong and that they demanded reinstatement in service with back wages. The written statement of the sponsoring Union as well the evidence of this witness has remained uncontroverted. There is nothing on the record to dispute, or even cast slightest doubt on the claims made in the written statement and in the evidence.

10. Obviously if a valid domestic enquiry was conducted by the management, then this reference was to be decided on the basis of the materials already on the record. But the sponsoring Union in its written statement had challenged the fairness of the enquiry by submitting that the enquiry was invalid and irregular. From order dated 16-5-94 it will appear that the management, which was represented on that date, was also asked to file its documents. Since the management failed to file either the documents of the domestic enquiry or even its written statement, there was no way out but to direct the sponsoring Union to adduce fresh evidence on merit, which was done.

11. It may be borne in mind here that it was for the management to prove that it had dismissed the concerned workmen on its charge, as mentioned in the chargesheet, having been established in the domestic enquiry. Only after this on us was discharged by the management, then the onus would have shifted to the sponsoring Union to prove that the charge was not established. The management having failed to bring even an iota of evidence on the record to prove that the charge of misconduct had been proved in a valid domestic enquiry, the contention of the sponsoring Union has got to be upheld. But here the sponsoring Union also has adduced evidence, supporting its claims made in the written statement. As already stated, there is nothing on the record to doubt the genuineness of the claim of the sponsoring Union or the evidence of the concerned workman.

12. This being so it has to be held that the concerned two workmen were illegally and improperly dismissed from service. This being so, both the concerned workmen are entitled to reinstatement.

13. In so far as the back wages is concerned, I find from the order of the reference that the Asstt. Labour Commissioner (Central), Dhanbad had submitted his failure report dated 31-12-91 to the Govt. of India, in the Ministry of Labour. There is nothing on the record to show as to when this industrial dispute on behalf of the two concerned workmen was raised and how much time was consumed in the conciliation proceeding. But it has been submitted in the written statement of the sponsoring Union that these two concerned workmen had again approached the management after an award was rendered by this Tribunal in favour

of similarly situated two other workmen. Therefore, if there was any delay in raising the dispute, the management can neither be held responsible for this nor can be asked to pay the back wages for that period.

14. But it is clear that before 31-12-91 this dispute was raised before the Asstt. Labour Commissioner (Central), Dhanbad. In such circumstances I find it proper to order payment of back wages with effect from 1-1-1992, the date immediately succeeding the date of the failure report.

15. Following, therefore, is the award—The action of the management of Kapasara Area of M/s. Eastern Coalfield Ltd. in dismissing S/Shri Jawahar Kumar Singh and Naresh Prasad Singh of Kumar-dhubi Colliery from service of the Company with effect from 1-7-86 was unjustified. The management is directed to reinstate these two workmen immediately on this award becoming enforceable and to pay them back wages with effect from 1-1-1992, till they are reinstated.

In the circumstances of the case, there would be no order as to the cost.

P. K. SINHA, Presiding Officer

नई दिल्ली, 28 नवम्बर, 1995

का. आ. 3336.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूचन में, केन्द्रीय सरकार बैंक आफ इंडिया के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण नं. 2, बम्बई के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-11-95 को प्राप्त हुआ था।

[संख्या एन - 12012/257/90/आई आर बी-2]

ब्रज मोहन, डेस्क अधिकारी

New Delhi, the 28th November, 1995

S.O. 3336.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. 2, Bombay as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bank of India and their workmen, which was received by the Central Government on 27-11-1995.

[No. L-12012/257/90-IR(B-II)]

BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, BOMBAY
PRESENT :

Shri S. B. Panse, Presiding Officer.

Reference No. CGIT-2/40 of 1990

Employers in relation to the Management of
Bank of India.

AND

Their Workmen

APPEARANCES :

For the Employers—Mr. L. L. D'Souza,
Representative.

For the Workmen—Mr. M. B. Ancham,
Advocate.

Bombay, the 14th November, 1995

AWARD PART-II

1. On 17th February, 1995 I passed part-I award and gave findings on issue No. 1 in the affirmative namely the enquiry which was held against the workmen was proper.

2. Now I have to answer the remaining issues in this matter. The issues and my findings thereof are as follows :

ISSUES	FINDINGS
1. Whether the Appellate Authority dismissed the workman's appeal without application of mind ?	No
2. Whether the workman himself had voluntarily admitted the guilt before the Bank management, and before the Inquiry Officer ?	Yes
3. Whether the action of the management of Bank in dismissing Shri J. M. Dhawade sub-staff is justified ?	Yes
4. If not, what relief the workman is entitled to ?	Does not Survive
5. What Award ?	As per final order

REASONS

3. While discussing issue No. 1 in Part-I award I had also discussed in respect of issues No. 2 & 3 for giving finding on issue No. 1.

4. It is not disputed that after the order of disciplinary authority the worker kept quiet for about three years. Thereafter he preferred the appeal before the authority. If really the Appellate Authority had any bias mind against the worker then it could have straight away rejected the same.

It had considered the appeal filed by the worker. It had given reasons for rejecting the same. No evidence is brought on the record to show that there was no application of the mind of the Appellate authority while rejecting the appeal.

5. The worker accepted his guilt before the Bank management and also before the Inquiry Officer. The statement which was given by the worker was recorded by the Inquiry Officer in Marathi. There is a clear cut admission of guilt. The explanation given by the worker for the major irregularity clearly goes to show that the guilt was not opted by using undue influence. There is nothing on the record except the word of the worker to suggest that undue influence was used.

6. On 24-02-1984 the worker accepted the guilt. Thereafter the Show Cause Notice was given to him on 14-09-1984. If really the management had used undue influence on the workman then he would have taken such a stand in the reply to the same Show Cause Notice. He had not done so. The inquiry officer then asked the worker regarding what he had to say regarding the charges. At that time he had the opportunity to put the defence that the earlier admission of guilt which was obtained by the management was due to undue influence. But he had not done so. I therefore find that there is no justification in the case tried to be made about by the worker that he had not voluntarily accepted the guilt.

7. That takes me to the action which is taken by the management by which it dismissed the workmen. In short the charge which was against the workmen was that he deliberately issued the bogus receipt in the name of the bank to cover up the dishonest misappropriation of the cash entrusted to him by the customer for depositing in the bank towards his loan account thereby cheating the customer which the act tentamounts to an act of gross misconduct within the meaning of the 19.5(j) of the Bi-party statements i.e. doing any act prejudicial to the interest of the bank. This charge is held to be proved. It being a major irregularity the disciplinary authority gave the punishment of dismissal. It had given reasons for awarding such punishments.

8. Mr. Ancham the learned Advocate for the workmen argued that the amount of Rs. 150 is the petty amount and the worker had deposited the same later on. It is further argued that it was the act of negligence on the part of the worker for not depositing the amount immediately. It is therefore the punishment which is awarded is disproportionate to the alleged misconduct.

9. Looking to the charge which was levied against him which I have referred to above. I do not find that there is a substance in the argument of Learned Advocate for the worker. The charge was of issuing a bogus receipt in the name of the

bank for the amount he received for depositing towards the customers loan transaction. Definitely it falls as a major irregularity contemplated in part 19.5(j) of the By-Party statement.

10. In Bank of India v/s. D. Padmanabhanulu & Ors. 1994—69 FLR 326 his Lordship observed that even if the amount is paid back by the cashier it does not absolve his liability of misconduct committed by him. The mis-appropriation of money reduced the confidence in the man. The position which the person have misused is the same. In such a case the Court should not lightly consider it and grant the relief to the act of the workmen. The confidence which was in him was reduced.

11. In Kishore, Son of Babhuraao Deshmukh v/s. District and Sessions Judge 1992 II CLR 597, case the Bailiff of the court demanded and accepted illegal gratification of Rs. 30. The case which was made out by the Bailiff in that matter was that the punishment is very harsh looking to the small amount. The Lordship observed that the serious action should be required to be taken in the matter and so was taken by the District Judge was confirmed. The ratio in this authority has application to the present set of facts. It shows that the mis-appropriation is from the public institution. The money belongs to the public. The bank being the service industry dealing with the monies of the third parties, the trust of the public in general in bank employees is the very essence of its existence and operation. If that is gone the business of the bank is going to be hampered. The action of the workmen falls as a major misconduct affecting the business of the bank. The action which was taken by the management was perfectly justified.

12. The management alongwith an affidavit of one Mr. Mujumdar (Exhibit-22) filed documents showing that the worker had done many incidents of indiscipline and misbehaviour and the matter was reported to the Regional Manager, Ratnagiri Region by the branch manager. After perusal of these documents which are annexures A to F it clearly supports that the worker had committed many cases of indiscipline and misbehaviour. For all these reasons I do not find any reason to alter the punishment which was awarded to him by the disciplinary authority and confirm by the Appellate Authority. In the result I pass the following Order :

ORDER

1. The action of the management of Bank of India in dismissing Shri J. M. Dhawade sub staff is justified.
2. No order as to costs.

S. B. PANSE, Presiding Officer

14-11-1995.

नई दिल्ली, 28 नवम्बर, 1995

का. आ. 3337.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक आफ इंडिया के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, अहमदाबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-11-95 को प्राप्त हुआ था।

[संख्या एल - 12012/233/91-आई आर (बी-2)]

ब्रज मोहन, डेस्क अधिकारी

New Delhi, the 28th November, 1995

S.O. 3337.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Ahmedabad, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bank of India and their workmen, which was received by the Central Government on 27-11-95.

[No. L-12012/233/91-IR(B-II)]

BRAJ MOHAN, Desk Officer

ANNEXURE

SHRI D. V. JOSHI, PRESIDING OFFICER,
INDUSTRIAL TRIBUNAL, AHMEDABAD.

Reference (ITC) No. 72 of 1991

ADJUDICATION

BETWEEN :

Bank of India, Sojitra Branch, Sojitra, Dist.
Kheda . . . First Party

AND

The Workmen employed under it. . . Second
Party

In the matter whether the action of the Management of Bank of India, Sojitra Branch Dist. Kheda in terminating the services of workman Shri Charanbhai Fulabhai Rabari, Part-time Sweeper with effect from 6-3-1991 is legal and justified ? If not, what relief the concerned workman is entitled to ?

APPEARANCES :

Shri M. J. Sheth, learned Advocate for the first party.

Shri A. S. Parikh, learned Advocate for the second party.

AWARD

The Desk Officer, Government of India, Labour Ministry, New Delhi in exercise of powers conferred upon him u/s. 10(1) (d) of the I.D. Act, 1947, has referred an industrial dispute for adjudication vide his order No. L-12012/233/91-IR BII dated 15-11-91 between the above parties. The dispute as stated in the Schedule of above order was initially referred to the Industrial Tribunal of Shri V. H. Thakore, Ahmedabad and subsequently it had been transferred to this Tribunal by an appropriate order of the Government.

Before the reference can be heard and finally disposed of, both the above parties have jointly submitted a Purshis vide Ex.53 stating that they have arrived at an amicable settlement. Shri C. F. Rabari and his Advocate, Shri A. S. Parikh as well as concerned officers for Bank of India and its Advocate, Shri M.J. Sheth have signed the Purshis. In view of above settlement, I pass the following order :—

ORDER

The parties have arrived at an amicable settlement and reference is disposed of accordingly. Copy of settlement Ex. 53 is annexed with the award. Parties are directed to act according to the settlement. No order as to costs

Sd/- (Illegible)

Sd/- (Illegible)

Secretary

Presiding Officer

Ahmedabad, 14th November, 1995.

BEFORE THE HON. INDUSTRIAL

TRIBUNAL AT AHMEDABAD

REF. (I.T.C.) NO. 72 OF 1991

BETWEEN

Management of Bank of India Zonal Office.

And

Shri Charanbhai Fulabhai Rabari.

Memorandum of Settlement Signed under Rule 58 of the Industrial Dispute Act (Central Rules) in respect of the case of Shri C.F. Rabari pertaining to his alleged illegal Termination of services w.e.f. 7-3-1991.

In the captioned matter, we have entered into a settlement on the terms & conditions as stipulated therein.

We are enclosing a copy of our memorandum of the settlement for enabling the Hon. Industrial Tribunal in passing a consent award.

SIGNATURE OF THE PARTIES

Representing the 1st party
i.e. the Bank of India

Sd/-

1. Shri S. Bhaskaran
Jt. Zonal Manager.
Sd/-
2. Shri D. R. Harnagle
Chief Manager (IR)
Sd/-
3. Shri I. P. Joseph
Chief Officer(P)
Sd/-
4. Mr. M. J. Sheth.
Advocate.

WITNESSES :

Sd/-

1. Shri V. J. Gianani
Officer, IR Dept.
Sd/-
2. Shri Harshad G. Patel
Officer Personnel Dept.
Sd/-
3. Shri S. J. Tripathi
Chief Officer (IR)
13-11-1995.

Representing the IInd Party.

Sd/-

1. (Mr. C. F. Rabari

Sd/-

2. (Mr. A. S. Parikh
Advocate for

Sd/- (Illegible)

FORM H

(Sec Rule 58)

MEMORANDUM OF SETTLEMENT

Name of the Party

Representing 1st Party
i.e. Bank of India.

Representing IInd party

1. Mr. Charanbhai Fula-
bhai Rabari.

2. Mr. A. S. Parikh,
Advocate.
3. Mr. _____
1. Shri S. Bhaskaran,
Jt. Zonal Manager.
2. Shri D. R. Harnagle,
Chief Manager (IR).
3. Shri I. P. Joseph,
Chief Officer (Personnel).
4. Shri M. J. Sheth,
Advocate.

SHORT RECITAL OF THE CASE

Sojitra Branch of Bank of India was engaging a casual worker Smt. D.A. Darji on reimbursement basis since 1970 for sweeping the branch premises, cleaning the toilets, lavatories etc. However, since June, 1985 she had stopped attending to the said work, the branch was required to get the said work done by engaging a local person by paying Rs. 20 per month. Thus, Shri Rabari was engaged by the branch on purely casual basis for sweeping the toilets lavatories etc. Shri C. F. Rabari was neither a part-time employee of the bank, nor he was on approved budlee panel, nor he was sponsored by the employment exchange. As per the directions of Govt. of India recruitment of subordinate staff in banking industry has to be done through the employment exchange only. Those candidates whose names were sponsored by the employment exchange are required to undergo the test/interview. Thereafter, the panel of Budlee, sepoy is being formed from the successful candidates. Only those candidates whose names are on such approved panel of budlee sepoys are engaged in the branches as per the need. These budlee sepoys are then absorbed against future vacancies as per the seniority. Further, as per the Govt. guidelines, the bank is also required to follow the roster system in respect of SC & ST candidates while filling up the vacancies at the time of regular appointment. As per the roster point vacancies of part-time sweeper at Sojitra Branch was to be filled up by an S/T candidate. Accordingly, Shri R. M. Vasava was selected for the post at Sojitra Branch and was appointed with effect from 7-3-1991. Naturally, thereafter, Shri C. F. Rabari was never engaged for the casual work of sweeping etc.

In view of the above, Shri C. F. Rabari had raised an industrial dispute before the Asstt. Labour Commissioner (Central) Ahmedabad for his alleged illegal termination of services. Upon failure of the conciliation proceedings, the matter was referred for adjudication to the Hon. Industrial Tribunal at Ahmedabad bearing ref. No. IT.C 72 of 1991.

Despite the aforesaid Industrial dispute, pending before the Hon. Industrial Tribunal at Ahmedabad, as aforesaid, Shri C. F. Rabari,

alongwith his advocate had been approaching the Zonal Manager, Bank of India for providing him job opportunity. After considering such request of Shri Rabari and after ascertaining the vacancy of part-time sweeper at Bank's Kunjrao Branch, it has been decided to engage him at the said branch as Sweeper on one third scale wages on the following terms & conditions :—

TERMS OF SETTLEMENT

In view of the aforesaid facts Shri C. F. Rabari would be appointed as Sweeper on one third scale wages at bank's Kunjrao Branch on the following terms & conditions :

- (i) that he should report to the Chief Officer (Personnel) Gujarat Zone within 7 days the date of passing of the consent award by the Hon. Industrial Tribunal in Ref. IT.C 72/91 for getting the orders of posting at bank's Kunjrao Branch as stated above.
- (ii) that he would not claim any wages, allowances, monetary benefits etc. from 7-3-1991 onwards till he resumes duty at the bank's Kunjrao Branch.
- (iii) that Shri C. F. Rabari unconditionally accepts that neither he nor his representatives will raise any dispute before any labour authorities or will not file any criminal suits etc. for claiming any monetary reliefs against the bank for the aforesaid period.

SIGNATURE OF THE PARTIES

Representing the 1st party

i.e. the Bank of India.

1. Sd/- (Illegible)
2. Sd/- (Illegible)
3. Sd/- (Illegible)
4. Sd/- (Illegible)

WITNESSES :

Sd/-

1. Shri V. J. Gianani
Officer, IR Dept.
Sd/-
2. Shri Harshad G. Patel
Officer, Personnel Dept.
Sd/-

3. Shri S. J. Tripathi
Chief Officer (IR)

Representing the IInd party

1. Sd/- (Illegible)
2. Sd/- (Illegible)
3. Sd/- (Illegible)

Advocate for

Mr. C. F. Rabari.

नई दिल्ली, 7 दिसम्बर, 1995

का.आ. 3338.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एफआईसीआफ इंडिया के प्रबन्धतंत्र के संबद्ध निरीक्षकों और उनके कर्मचारियों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-12-95 को प्राप्त हुआ था।

[संख्या एल - 17012/13/92 - आई आर बी - 2]

ब्रज मोहन, डेस्क अधिकारी

New Delhi, the 7th December, 1995

S.O. 3338.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Hyderabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of L.C. of India and their workmen, which was received by the Central Government on 6-12-1995.

[No. L-17012/18/92-IR (B-II)]
BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-I AT HYDERABAD

PRESENT :

Sri A. Hanumanthu, M.A., LL.B., Industrial Tribunal-I.

Dated : 19th day of October, 1995

INDUSTRIAL DISPUTE NO. 55 OF 1992

BETWEEN :

Sri G. Dakshinamurthy, S/o Sh. Veerabhadraiah,
Staff Quarters No. L-16, K. U. Campus,
Warangal-506009. ... Petitioner,

AND

Senior Divisional Manager,
L.I.C. of India, Divisional Office,
Jeevan Prakash, Secretariat Road,
Hyderabad-500469. ... Respondent.

APPEARANCES :

Sarvasri A. K. Jaya Prakash Rao & V. Narasimha Goud, V. Ravi Krishna Rao and K. S. Rao, Advocates for the Petitioner.

Sarvasri I. L. N. Sastry, and S. Sravan Kumar, Advocates for the Respondent.

AWARD

This is reference made by the Government of India through Ministry of Labour, by its Order No. L-17012/18/92-IR(B. II), dt. 30-7-1992 for adjudica-

tion of the Industrial Dispute mentioned in its schedule which reads as follows :

"Whether the action of the management of LIC of India, Hyderabad imposing the punishment of removal on Sh. G. Daxine Murthy, ex-employee w.e.f. 11-9-89 is justified? If not, to what relief the workman entitled?"

This reference has been registered as Industrial Dispute No. 55 of 1992 on the file of this Tribunal.

2. On behalf of the Petitioner a claim statement has been filed to the following effect. The Petitioner was appointed as Assistant in Life Insurance Corporation of India in the year 1973. He completed nearly 16 years of unblemished service. The Petitioner made a complaint against the then Branch Manager, LIC of India, Hanumkonda Branch when he found tampering of records pertaining to the new business of April, 1985 and also when he found that the Branch Manager was not following the correct procedure in the matter of registering and completion of business every month. The petitioner sent a report by telex message dt. 15-5-1985 to the Chief Vigilant Officer, Central Office, LIC Bombay and also requested for enquiry. He also sent a letter dt. 15-5-1985 wherein he gave all the details of irregularities committed by the then Branch Manager. On account of this as a vindictive measure, the Respondent transferred the petitioner from Hanumakonda Branch to Wanaparthy Branch by transfer order dt. 31-5-1985. He was also relieved on 7-6-1985. The petitioner by his letter dt. 8-6-1985 addressed to the Branch Manager, Hanumkonda Branch expressed his inability to join at Wanaparthy Branch and also stated that he made an appeal to the higher authorities for the cancellation of the said transfer order. The Petitioner also applied for privilege leave from 8-6-1985 to 16-7-1985 and also applied for sick leave from 17-7-1985 to 31-10-1989. In spite of taking proper treatment from qualified Doctors, the petitioner could not regain his health. The petitioner had been informing the Respondent's office from time to time about the condition of his health that prevented him from joining at Wanaparthy Branch. As the transfer order was passed as a measure of punishment, the petitioner approached the Hon'ble High Court and filed Writ Petition No. 7147/85 questioning the transfer order passed by the Respondent. The Respondent being prejudiced against the petitioner, issued a charge-sheet dt. 25-3-1987 alleging that he committed breach of Regulations 20, 21, 30(1), 30(2) and 74 of L.I.C. of India (Staff) Regulations 1960 for his failure in not reporting for duty at Wanaparthy Branch and for remaining absent unauthorisedly from duty from 8-6-1985. The Petitioner submitted his written statement to the said charge sheet. The Respondent not being satisfied with the Petitioner's explanation, initiated enquiry and appointed one of his subordinate officer Sri K. S. N. Sarma as the Enquiry Officer by the Order dt. 19-8-1987. The Petitioner received the notice issued by the Enquiry Officer on 20-8-1987 and he sought adjournment on the ground that he is ill. The Petitioner was permitted to be defended by one Sri B. R. K. Reddy, Section Officer, LIC City Branch, Hyderabad. The Petitioner and his representative attended the enquiry proceedings

on 25-4-1988. The Enquiry Officer adjourned the matter on his own and informed the Petitioner that the next date of adjournment will be intimated later. The Petitioner was not informed about the next dates of sitting held on 15-6-1988 and 4-7-1988. The enquiry held against the petitioner is also violated for not communicating the dates of hearing of the last two sittings as the same is against the principles of natural justice and also against the LIC (Staff) Regulations 1960. The enquiry officer also did not supply any of the documents on which he relied on in the ex parte enquiry. Copy of the report submitted by the presenting officer was not supplied to the petitioner or his representative during the enquiry sittings. On this ground also the enquiry is totally vitiated. The Writ Petition filed by the Petitioner was dismissed on 17-6-1988. The petitioner could not report for duty in view of his continued ill-health on 23-10-1989 the petitioner reported for duty at Wanaparthy Branch Office but he was refused permission to report for duty without informing him of any reasons. Therefore the petitioner sent joining report by registered post to Wanaparthy Branch on the same day. He also wrote two letters to the Respondent on 23-10-1989 and 6-11-1989 with regard to his reporting to duty at Wanaparthy Branch, but he did not receive any reply. The petitioner received a letter on 27-12-1989 from the Respondent and on a perusal of contents of that letter, the petitioner was shocked to know that he was removed from service w.e.f. 11-9-1989. Immediately he addressed a letter to the Respondent to send him a copy of the removal order dt. 11-9-1989. The Petitioner preferred an appeal before the L.I.C. Zonal Manager on 6-4-1990. The Zonal Manager by his order dt. 11-10-1990 rejected his appeal. Thereafter the petitioner filed a memorial under Regulation 49 before the Chairman, L.I.C. with prayer to set aside the order of dismissal dated 11-9-1989. The Chairman also rejected his memorial by his order dt. 13-4-1991. Both the Appellate Authorities failed to appreciate the grounds raised by the Petitioner and they were carried away by the records of the Corporation. The orders passed by the Appellate Authorities are also illegal and unsustainable in the eye of law. The Petitioner was not supplied with the documents which are crucial in nature. The Petitioner after exhausting all the departmental remedies, filed an application before the Assistant Labour Commissioner (Central) Hyderabad under Section 2A and 10 of I.D. Act read with Rule 3 of the Industrial Disputes (Central) Rules 1957 on 11-11-1991. The conciliation ended in failure and the failure report submitted by the Assistant Labour Commissioner (Central), the Government of India made this reference for adjudication of the industrial disputes. Ever since the date of removal from service, the petitioner remained unemployed and he could not get any alternative employment inspite of his best efforts. Petitioner completed more than 40 years of age and therefore it is impossible for him to secure a job elsewhere. Hence the petitioner prays to set aside the order of removal dt. 11-9-1989 passed by the Respondent and to direct the Respondent to reinstate the petitioner into service with continuity of service, backwages and other attendant benefits.

3. On behalf of the Respondent, a counter has been filed to the following effect. It is true that the petitioner was employed as Assistant in 1973 but his way, behaviour and performance of duties were not at all satisfactory. Many oral warnings were given to him to mend his ways. The petitioner was transferred on 31-5-1985 from Hanumakonda Branch to Wanaparthy Branch Office in usual course of administration and he was relieved of his duties at Hanumakonda Branch on 7-6-1985. The allegation of the petitioner that he was transferred as an vindictive measure, is false. The Petitioner filed Writ Petition No. 7147/85 questioning the order of his transfer and that Writ Petition was dismissed on 17-6-1988 and it was held that the transfer of the petitioner was an administrative transfer and in the interest of smooth running of administration and that the same was not as a punishment. The Writ Appeal No. 1125/88 preferred by the Petitioner was also dismissed. The Special leave petition, moved by the Petitioner before the Hon'ble Supreme Court, was also dismissed at the admission stage itself. The petitioner's effort to avoid transfer order proved futile. The petitioner applied for privilege leave as well as sick leave in order to avoid the transfer order. The fact of his being sick was disproved by the second medical opinion obtained by the Respondent and the Petitioner was declared clinically normal and this shows that the petitioner, in order to evade complying with the lawful directions of the transfer, resorted to self-imposing sickness. The petitioner wilfully, deliberately defied the lawful orders of transfer and tried in vain several methods to stall the effect of transfer order. As the petitioner deliberately failed to comply with the order of transfer and unauthorisedly absented from duty, he was issued with charge sheet dt. 25-3-1987. The Petitioner submitted his explanation to the charge sheet on 16-6-1987 and an enquiry was caused to be held against the petitioner. The Enquiry Officer after conducting the enquiry, forwarded his report on 21-10-1988 holding the petitioner guilty of the charges levelled against him. Even during the course of enquiry, the petitioner tried his best to evade facing the enquiry. The contention of the petitioner that the enquiry was held ex parte is totally devoid of any merit. A notice dt. 6-6-1988 was sent to the Petitioner requiring his presence to the enquiry to be held on 15-6-1988. On 15-6-1988 the representative of the Petitioner was present and submitted a letter to the Enquiry Officer seeking adjournment on the ground of illness of the petitioner. Then the Enquiry Officer adjourned the matter to 4-7-1988 and this was intimated to the petitioner who acknowledged the same on 23-6-1988. Hence the allegation that the enquiry was held ex parte is false. There was no breach of regulation nor any principles of natural justice were violated in conducting the enquiry. The petitioner was removed from service w.e.f. 11-9-1989 and the order of removal was received by the Petitioner on 25-9-1989. Hence the question of the petitioner reporting for duty on 23-10-1989 after one month after his removal did not arise at all. The petitioner failed to avail all the reasonable opportunities given to him and thus made himself guilty of the charges and the punishment meted out to him is exactly in proportion to the gravity of the misconduct committed by him. The petitioner during the best part of the period of his absence, had

been employed elsewhere. Hence the order of removal of the petitioner is valid and binding on him and he is not entitled for any relief, under this reference.

4. At the time of enquiry, the learned counsel for the Petitioner raised a preliminary objection with regard to the validity of the domestic enquiry held in this case and he requested for deciding the validity of the domestic enquiry as a preliminary issue. On this issue, the Respondent examined the Enquiry Officer as M.W-1 and marked Exs. M-1 to M-6, M.W deposed with regard to his appointment as Enquiry Officer, his conducting the domestic enquiry, the charge sheet issued against the petitioner and his findings of the enquiry. On behalf of the Petitioner W.W1 is examined and Exs. W1 to W11 are marked. The Petitioner got himself examined as W.W1 and he deposed to the averments in his claim statement. The details of the documents Exs. W-1 to W-11 and Exs. M-1 to M-6 marked on behalf of the Petitioner and the Respondent respectively are appended to this Award.

On a consideration of the said documents and the oral testimony of M.W1 and W.W1 this Tribunal by its detailed order dt. 19-7-1995 held that the domestic enquiry held in this case is fair and valid. The matter has come up once again for disposal on merits. Neither the Petitioner nor the Respondent have adduced any further evidence on their behalf at this stage.

5. The points that arise for consideration are :—

(1) Whether the action of the Respondent—Management of L.I.C. of India, Hyderabad in imposing the punishment of removal on the Petitioner Sri G. Daxina Murthy w.e.f. 11-9-1989 is justified ?

(2) To what relief the petitioner G. Daxina Murthy is entitled for ?

6. POINT (1).—The admitted facts as revealed from the evidence on record are as follows :

The Petitioner workman G. Daxina Murthy is an employee of the Life Insurance Corporation of India. During the month of May 1985. He was working as Assistant in the L.I.C. of India Branch at Hanumakonda in Warangal District. By the Order dt. 31-5-1985 he was transferred to the Branch at Wanaparthi in Mahboobnagar District and he was relieved of his duties at Hanumakonda at the close of the office hours on 7-6-1985 and he was directed to report for duty at Wanaparthi. After availing joining time as per Rules, the petitioner did not join duty at Wanaparthi Branch and he had been submitting applications for granting privilege leave from 8-6-1985 to 16-7-1985 and subsequently he submitted application for leave w.e.f. 17-7-1985 on the ground that he was sick. The Disciplinary Authority i.e. the Senior Divisional Manager issued the charge sheet dt. 25-3-1987 (original of Ex. M2) against the Petitioner alleging that by his conduct in not joining duty at Wanaparthi Branch Office even after 655 days of the transfer order, he has committed breach of Regulations 20, 21, 30(1), 30(2) and 74 of the Life Insurance Corporation of India

(Staff) Regulations 1960 for which any one or more of the penalties specified under Regulation 39(1) (a) to (g) of the aforesaid Regulations, can be imposed upon him. The petitioner received the said charge sheet and submitted his explanation (Ex. M3) dt. 16-6-1987. Not satisfied with the explanation offered by the Petitioner, the Disciplinary Authority appointed, under Ex. M1 dt. 19-8-1987, Sri K.S.N. Sharma, Manager (P.S. AIM) LIC of India, Divisional Office, Hyderabad as the Enquiry Officer to enquire into the charges and also appointed Sri M.R. K. Sharma, Assistant Administrative Officer as the presenting officer. Ex. M4 is the enquiry file relating to the enquiry against the petitioner. As seen from this file, the Enquiry Officer held ten sittings and on 21-10-1988 the Enquiry Officer submitted his report holding that the petitioner is guilty of breach of Regulations 20, 21, 30(1) and 74 and not guilty of breach of Regulations 30(2) of the LIC (Staff) Regulations 1960. Again, as seen from the enquiry proceedings Ex.M4, a show cause notice dt. 12-1-1989 proposing to impose punishment of removal from service in terms of Regulation 39(1)(f) of the L.I.C. of India (Staff) Regulation 1960, was issued to the petitioner and he was asked to submit his explanation within 15 days from the date of receipt of the show cause notice. The petitioner failed to submit his explanation to the said show cause notice and therefore the disciplinary authority by its order dt. 11-9-1989 imposed the penalty of removal from service on the petitioner. The petitioner, thereafter, preferred an appeal to the Zonal Manager, Madras against the order of his dismissal. Ex. W9 is the copy of the appeal preferred to the said Zonal Manager and his appeal was dismissed. Thereafter, the petitioner submitted mercy appeal to the Chairman, L.I.C. under the original of Ex. W10 and the same was also dismissed on 30-4-1991. Subsequently, this reference has been made.

7. It is also admitted that the Petitioner filed W.P. No. 7147/85 on the file of the Hon'ble High Court questioning the validity of his transfer from Hanumakonda Branch to Warangal Branch. The said Writ Petition was dismissed on 17-6-1988 by the Hon'ble High Court. The Petitioner preferred Writ Appeal No. 1125/88 and that Writ Appeal was also dismissed at admission stage.

8. As earlier stated, the counsel for the Petitioner challenged the domestic enquiry held in this case and this Tribunal by its Order dt. 19-7-1995 held the domestic enquiry held in this case as fair and valid.

9. It is well settled that if a domestic enquiry is properly held and the employer imposed punishment on a delinquent employee, Industrial Tribunal dealing with the industrial disputes arising out of such punishment, is not authorised to sit in appeal over the findings of the enquiry officer or to examine the propriety of the ultimate order of punishment passed by the employer. It is also well settled that if it appears to the Industrial Tribunal that the ultimate order of punishment is so disproportionate or severe in relation to the misconduct proved and that it may lead to inference of victimisation. Industrial Tribunal would be justified in interfering with that

order of punishment. In the case of victimisation or unfair labour practice, it is open to the Industrial Tribunal to go into the merits of the case and to investigate whether the order of punishment is justified vide *M/s. BHARAT IRON WORKS v. BHAGUBHAI BALLUBHAI PATEL* (1976(I) S.C. Cases page 518). In *INDIAN IRON AND STEEL COMPANY v. WORKMEN* (AIR 1958 S.C. page 130). Their Lordships of Supreme Court also observed that Industrial Tribunal will interfere (a) where there is want of good faith; (b) when there is victimisation or unfair labour practice; (c) when the management has been guilty of the basic error or violation of principles of natural justice, and (d) when on the material before the Court the finding is completely baseless or perverse. Under Section 11-A of the I.D. Act, even in a case the Tribunal affirmed the finding of misconduct recorded by the Management at the domestic enquiry, the Tribunal can interfere with the punishment awarded by the management and alter the same. But in exercising the discretionary power conferred on the Tribunal under Section 11-A to interfere with the punishment, the discretion should not be exercised in an arbitrary manner but exercise in judicial and judicious manner before interfering with the punishment imposed by the Management. The Tribunal must take into consideration all the relevant facts and can interfere with the punishment imposed by the management only when it comes to the conclusion that the punishment imposed is extremely harsh and unjust and only disproportionate to the misconduct proved. The altered punishment imposed by the Tribunal, however, should not amount to absolving the employee of the misconduct or make the punishment merely illusory and allow the employee to go scot free particularly when the charges are found to be grave in nature vide *A.P. STATE TRANSPORT CORPORATION v. ADDITIONAL LABOUR COURT CUM INDUSTRIAL TRIBUNAL* (1983 (63) FJR page 230). It is also well recognised principle of jurisprudence which permits penalty to be imposed for misconduct, that the penalty imposed shall be commensurate with the gravity of the charge. The Tribunal may award a lesser punishment if it is of opinion that the proved misconduct does not merit the punishment by way of discharge or dismissal. It is also well settled that leniency can only depend upon the nature of the misconduct alleged against the workman and not in question as to whether the workman is married or that he has put in a particular length of service.

10. In the instant case, as seen from the charge sheet (Ex. M2), the alleged misconduct said to have been committed by the Petitioner is that he disobeyed the lawful orders of transfer dated 31-5-1985 from Hanumakonda Branch to Wanaparthy Branch of the Respondent Bank, that though the Petitioner was relieved at Hanumakonda Branch on 7-6-1985 he failed to report for duty even after 655 days of the transfer Order and thus committed breach of Regulations 20, 21, 30(1) 30(2) and 74 of L.I.C. of India (Staff) Regulations 1960 and he was directed to submit his explanation within 10 days from the date of receipt of the charge sheet. As seen from Ex. M3 the Petitioner submitted his explanation to the said charge sheet. Not satisfied with

the explanation offered by the petitioner, the disciplinary authority appointed M.W1 Sri K.S.N. Sarma as Enquiry Officer under Ex. M-1. During the course of enquiry, the petitioner was present on some sittings and he was absent on some other sittings of the enquiry on the ground that he was sick. In the sitting held on 28-3-1988 the Petitioner nominated Sri B. R. K. Reddy, Section Head, City Branch VI and filed his consent letter also. In the sitting held on 4-7-1988 the Petitioner and his representative were absent. Hence the Enquiry Officer set the petitioner *ex parte* and *ex parte* enquiry was conducted. No oral evidence was adduced on behalf of the Management, but 27 documents were marked. Thereafter, considering the documents Exs. M1 to M-27, the Enquiry Officer submitted his report stating that the charge levelled against the petitioner is proved. Ex. M4 is the enquiry file relating to the petitioner. As seen from this documents, second show cause notice dt. 12-1-1989 was issued to the Petitioner proposing the penalty of removal from service of the petitioner in terms of Regulations 39(1) (f) of L.I.C. of India (Staff) Regulations 1960 and the Petitioner was directed to submit his explanation within 15 days from the date of the receipt of the show cause notice as to why the aforesaid penalty should not be imposed upon him. As the petitioner failed to submit any explanation to the said show cause notice, the Respondent disciplinary authority by his order dt. 11-9-1989 imposed the penalty of removal from service of the petitioner according to Regulation 39(1)(f) of L.I.C. (Staff) Regulations 1960 and the said order of removal from service was also sent to the petitioner by registered post acknowledgement due. There is ample evidence on record to prove the said misconduct on the part of the petitioner. The Enquiry Officer also has given cogent and convincing reasons for holding that the charges levelled against the petitioner as proved.

11. The learned counsel for the Petitioner submits that he was transferred from Hanumakonda Branch to Wanaparthy Branch to take vengeance against him as he brought some mis-deeds of the then Branch Manager of Hanumakonda Branch to the notice of the higher authorities, that he could not report for duty at Wanaparthy Branch as he had fallen sick and when the petitioner reported for duty at Wanaparthy Branch on 23-10-1989 he was not permitted to join duty. Thus the petitioner has been victimised and the action taken against the petitioner amounts to unfair labour practice on the part of the Respondent—Management and not a transfer by way of punishment as alleged by the petitioner. Admittedly the petitioner filed W.P. No. 7147/85 on the file of our High Court questioning the validity of his transfer from Hanumakonda Branch to Wanaparthy Branch. The said Writ Petition was dismissed on 17-6-1988 by the Hon'ble High Court. The Writ Appeal No. 1125/88 preferred by the Petitioner was also dismissed. It follows that the High Court confirmed the order of transfer of the petitioner from Hanumakonda Branch to Wanaparthy Branch as an administrative transfer, that the transfer was not effected due to vengeance as alleged by the petitioner. Therefore it is not open for the petitioner to raise once again the same plea, that his transfer was effected due to vengeance.

12. The plea of the petitioner that he could not report for duty at Wanaparthi Branch from 8-6-1985 to 23-10-1989 due to his ill-health also cannot be accepted. It is no doubt true that he submitted applications for grant of privilege leave for some time and thereafter for granting sick leave. The said leave was not sanctioned by the Management. As seen from the enquiry report Ex. M4, the petitioner was subjected to second medical opinion of Dr. G. Sanjeeva Reddy who after examining the petitioner gave his opinion that there is nothing abnormal clinically. Therefore, the evidence of the Medical Officer Dr. G. Sanjeeva Reddy falsifies the contention of the petitioner that he was continuously sick. Further the petitioner submitted as seen from Ex. M4 the petitioner requested for sanction of sick leave from 1-6-1986 to 29-11-1986 on the ground of his sickness. In his cross examination the petitioner as W.W1 admits that on 24-11-1986 he was arrested by the Police of Hanumakonda for raising anti-Government slogans. Thus while pretending to be on sick bed, the petitioner participated in the demonstration of slogan, shouting and he was prevented by the Police from running away from the scene of demonstration. He was chased and arrested and detained at Police custody for two days i.e. on 24-11-1986 and 25-11-1986. This also falsifies the plea of the Petitioner that due to sickness he could not report for duty at Wasaparthi Branch in pursuance of his transfer order. Moreover, the Management refused the leave applied for by the petitioner and he failed to report for duty. Hence it amounts to unauthorised absence from duty w.e.f. 8-6-1985.

13. The learned counsel for the Petitioner next contends that the Enquiry Officer M.W1 K.S.N. Sharma is subordinate to the disciplinary authority and the Enquiry Officer submitted his report as per the dictates of the disciplinary authority and thus there is violation of principles of natural justice in appointing a subordinate as Enquiry Officer. This plea was already taken by the learned counsel for the Petitioner while deciding the preliminary issue and it has been negated by this Tribunal. In the instant case, it is no doubt true that the Enquiry Officer herein is a subordinate of the disciplinary authority. But it does not mean that the Enquiry Officer will be under the influence of the disciplinary authority while conducting the enquiry. While initiating disciplinary proceedings it is but natural on the part of the disciplinary authority, to appoint some one of his subordinates as the Enquiry Officer. There is nothing on record to show that the disciplinary authority in this case had influenced the Enquiry Officer M.W1 in the enquiry held against the Petitioner. Therefore, there is no substance in the contention of the learned counsel for the Petitioner that the Enquiry Officer was influenced by the disciplinary authority. It is now well settled that the doctrine of natural justice as applied to in enquiries consists of the following three principles namely (1) no person shall be the judge of his own case; (2) no person shall be condemned unheard; and (3) there should not be any procedure of unreasonableness in the enquiry vide **G. R. VENKATESWAR REDDY v. KARNATAKA STATE ROAD TRANSPORT CORPORATION** (1994 (69) FLR, Summary cases page 90 case 49).

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In the instant case ample opportunities were given to the petitioner to participate in the enquiry and he also nominated his own representative to defend him in the enquiry. I do not find any procedural unreasonableness in holding the enquiry by the Enquiry Officer in this case. Hence I have no hesitation to hold that there is no violation of principles of natural justice while conducting the enquiry in this case.

14. The learned counsel for the petitioner next contends that the Enquiry Officer held ex parte enquiry against the petitioner, that the Enquiry Officer did not inform the next dates of sitting on 15-6-88 and 4-7-1988 and thus no opportunity was given to the Petitioner to participate in the enquiry sittings held on 15-6-1988 and 4-7-1988. This plea was also raised by the Petitioner earlier while deciding the preliminary issue and this plea of the Petitioner has been negated by this Tribunal. As seen from the record of enquiry (Ex. M4) the petitioner attended the enquiry sitting on 18-4-1988 and gave a letter to the Enquiry Officer pleading that the entire matter is subjudice as the High Court has seized the issue of transfer in W.P. No. 7147/85 and that the domestic enquiry should not be gone through at that stage. Enquiry Officer wanted to examine the position in detail and to give a ruling on the objection raised by the petitioner. The Enquiry Officer adjourned the sitting to 25-4-1988. The sitting of 25-4-1988 did not take place. Petitioner and the petitioner was informed telegraphically (Ex. W1) followed by confirmation letter (Ex. W2) informing the petitioner that the next date of sitting would be informed later. Subsequently the Enquiry Officer took a decision to continue the proceedings and the next enquiry sitting was held on 15-6-1988. On 15-6-1988 the petitioner was absent but his representative B. R. K. Reddy was present and at his instance the enquiry was adjourned to 4-7-1988. On 4-7-1988 both the petitioner and his representative were absent and the petitioner was set ex parte and ex parte enquiry was conducted. No oral evidence was adduced on behalf of the Management, but 27 documents were marked and the matter was adjourned to 7-7-1988 at the request of the presenting officer to submit his written arguments. Thereafter, considering the documents Exs. M1 to M27, the Enquiry Officer submitted his report as stated earlier.

15. The learned counsel for the petitioner submits that the Enquiry Officer issued a telegram Ex.W1 stating that the sitting scheduled to 25-4-1988 has been adjourned and the next date of sitting will be informed shortly, but the Enquiry Officer failed to inform the next date of hearing and as such the petitioner was kept in dark with regard to the subsequent dates of sittings on 15-6-1988 and 4-7-1988 and as such the ex parte enquiry is defective and void. It is not disputed that the Enquiry Officer issued that telegram under Ex.W1 informing the petitioner that the sitting posted to 25-4-1988 has been adjourned. The Enquiry Officer examined as M.W1, stated in his cross examination that subsequently he informed that peti-

tioner the next date of hearing as 15-6-1988. M.W1 stated in his cross examination thus : "It is true I sent the telegram to the petitioner stating that the sitting on 25-4-1988 is adjourned and the next date will be communicated later. Ex.W1 is the said telegram stating that the matter was adjourned to 15-6-1988. I communicated that date to the petitioner. I sent it by registered post. It is not true to suggest that I did not communicate the next date of adjournment to the petitioner." This oral evidence of M.W1 gets collaboration from the recital in his enquiry report wherein he has categorically stated that he informed the next date of sitting as 15-6-1988 through his communication dt. 6-6-1988. I do not find any reason to disbelieve the oral testimony of the Enquiry Officer M.W1 to the fact that he informed the next date of hearing as 15-6-1988. Further, the representative of the petitioner also attended the sitting held on 15-6-1988 and sought for adjournment on the ground that the petitioner was sick. As seen from the enquiry proceedings for the date 15-6-1988 the enquiry officer made it clear to the representative of the petitioner that the matter was adjourned to 4-7-1988 and that no more adjournments would be granted and in case the petitioner fails to attend the sitting on that date the petitioner would be set exparte and exparte proceedings would go on. Thus, the very fact that the representative of the Petitioner attended the proceedings held on 15-6-1988 falsifies the contention of the petitioner that he was not informed about the next date of hearing as 15-6-1988. Since the petitioner and representative failed to attend the enquiry on 4-7-1988, the Enquiry Officer had no option but to set the petitioner exparte and the exparte enquiry was held. The Petitioner has not come up with any explanation for his absence on 4-7-1988 when the exparte proceedings were held. As seen from the enquiry proceedings (Ex.M4) the Enquiry Officer M.W1 had adjourned the enquiry from time to time at the instance of the petitioner only. The enquiry officer accommodated the Petitioner to the maximum extent and finally he posted the sitting to 4-7-1988 on which date the petitioner and his representative failed to attend and therefore the petitioner was set exparte and exparte proceedings were held. Under these circumstances, it cannot be said that the Enquiry Officer has not given fair opportunity for the petitioner to participate in the enquiry proceedings.

16. The learned counsel for the Petitioner also submits that Ex.W3 accompanied by the document Ex.W3 (a) were sent to the Petitioner by registered post on 3-8-1988 and if the Enquiry Officer had concluded the enquiry on 4-7-1988, there was no need to send him such papers on 3-8-1988 and therefore the alleged enquiry is farce. M.W1 the Enquiry Officer in his cross examination admits that he sent all the documents on 3-8-1988 by registered post to the Petitioner. In his report we find an explanation for this. In the enquiry report (Ex.M4) it is observed thus : "On 7-7-1988 the presenting Officer submitted his report along with 27 annexures with enclosures in support of his case. As stated supra the employee was set exparte and there was no

necessity of any further reference to him. But to give him one more opportunity the report along with the documents submitted by the presenting officer were furnished to the charge sheeted employee and he was asked to submit his report/comments on the presenting officer's report. The employee has received the same but as on date he has not filed his report, leaving me without any chance only to assess the evidence placed before me by the presenting officer and to make out my report." Thus the documents Ex. W3 (a) sent along with the letter dt. 23-4-1988 (Ex.W3) are the copies of the documents submitted by the presenting officer and the Enquiry Officer sent the same to the petitioner with all good intention, under registered post on 3-8-1988, seeking his comments on those documents. It follows that the Enquiry Officer did not close the enquiry by that date but he waited comments from the petitioner on those documents. As the petitioner failed to submit his comments on those documents, the enquiry officer submitted his report on 21-10-1988. Hence there is no substance in the contention of the learned counsel for the petitioner.

17. The learned counsel for the Petitioner next contends that the copy of the enquiry report and the show cause notice proposing the punishment were not sent to the petitioner before the impugned order of removal from service was passed. This plea was also raised earlier while deciding the preliminary issue and it has been negated by this Tribunal. As seen from the enquiry file, the disciplinary authority issued the show cause notice dt. 12-1-1989 proposing to impose the penalty of removal from service and the said notice was accompanied by the Enquiry Officer's report. Further as seen from the dismissal order dt. 11-9-1989 from the enquiry file, in para 7, it is categorically mentioned that the show cause notice dt. 12-1-1989 along with the copy of the enquiry report were received by the petitioner Daxina Murthy on 17-1-1989. Ex.M5 is the postal acknowledgement of the petitioner Daxina Murthy and it bears his signature for the date 17-1-1989. Therefore, I have no hesitation to conclude that the show cause notice dt. 12-1-1989 accompanied by the Enquiry Officer's report were received by the Petitioner on 17-1-1989 as witnessed by the postal acknowledgement Ex.M5. The petitioner examined as W.W1 admits in his cross examination that Ex. M5 bears his signature with the date 17-1-1989. But he comes up with an explanation stating that on 17-1-1989 he received a set of papers sent by the management and Ex. M5 relates to the receipt of the said registered letter Ex.M1. His explanation is far from satisfactory as Ex.M1 dt. 19-8-1987 is the order of the disciplinary authority appointing K. S. N. Sharma as Enquiry Officer and it could not have been received by the petitioner on 17-1-1989.

18. The learned counsel for the petitioner also submits that the copy of the impugned removal order was not served on him and that he came to know about it only when he received Ex. W4 dt. 20-12-1989 and that he addressed the Disciplinary Authority under Ex. W5 to send him a copy of the removal order dt. 11-9-1989 and that under Ex. W7 the Disciplinary Authority sent the

removal order along with the enquiry report. As seen from Ex. W7 the petitioner was informed that the order of disciplinary authority dt. 11-9-1989 imposing the penalty of removal from service was sent to him by registered post acknowledgement due and the same was received by him as per the postal acknowledgement dt. 25-9-1989 and a copy of the same was once again sent to him. Therefore as seen from this letter, the petitioner acknowledged the receipt of the impugned removal order dt. 11-9-1989 on 25-9-1989 under Ex. M6 the postal acknowledgement of the petitioner dt. 25-9-1989. There cannot be any hesitations to conclude that this acknowledgement Ex. M6 relates to the receipt of the impugned order of removal from service. The petitioner as W.W1 also admits his signature on Ex. M6. But he comes up with an explanation stating that on 25-9-1989 he received a copy of his own letter dt. 30-6-1988 with some other document sent by the Management under registered letter and the postal acknowledgement Ex. M6 relates to that letter. This explanation cannot be accepted. There is no reason for the Management to send back the letter of the petitioner dt. 30-6-1988 under that registered letter. On a consideration of Ex. M6 and Ex. W7 I have no hesitation to conclude that the petitioner received a copy of the impugned order of removal on 25-9-1989 under Ex. M6.

19. The learned counsel for the Petitioner next submits that the disciplinary authority has not applied its mind before imposing the punishment and that it has accepted the findings of the Enquiry Officer without considering the other material and that the punishment imposed is disproportionate to the proved misconduct on the part of the petitioner. As seen from the impugned order Ex. W8 the Disciplinary Authority had considered the entire evidence on record and the report of the Enquiry Officer and also the gravity of the misconduct committed by the Petitioner and thereafter imposed the punishment of removal from service. In accordance with Regulation 39(1)(f) of L.I.C. of India (Staff) Regulations, 1960 The Disciplinary Authority also held in para 4 of his order Ex. W8 that the Petitioner has not committed breach of Regulation 30(2) of the said Regulations. On a careful consideration of the entire evidence on record, I am of the opinion that the Disciplinary Authority has rightly concurred with the findings of the Enquiry Officer and that the punishment imposed by the Respondent is not also disproportionate to the proved misconduct of the petitioner. I am also of the opinion that there is no reason to hold that the findings of the Enquiry Officer are perverse and that the punishment imposed on the petitioner is due to victimisation or unfair labour practice. The petitioner wilfully disobeyed the lawful order transferring him from Hanumakonda Branch to Wanaparthi Branch. He was relieved at Hanumakonda Branch on 7-6-1985 and he failed to report for duty subsequently. He is said to have been reported for duty on 23-10-1989. But by then he was removed from service w.e.f. 11-9-1989. The petitioner protracted the enquiry also by setting up false plea of sickness. Considering the circumstances in this case, the punishment of removal from service imposed on the petitioner does not appear to be disproportionate to the proved misconduct of the Petitioner.

20. In the light of my above discussion, I hold on Point (1) that the action of the Respondent—Management in removing the petitioner from service w.e.f. 11-9-1989 is justified. The point is thus decided in favour of the Respondent—Management and against the Petitioner Workman.

20. POINT (2).—This point relates to the relief to be granted to the petitioner. In view of my finding on Point (1), that the action of the Respondent—Management is justified in dismissing the petitioner w.e.f. 11-9-1989. The petitioner is not entitled for any relief under this reference.

21. In the result, Award is passed stating that the action of the Management of Life Insurance Corporation of India, Hyderabad imposing the punishment of removal from service on the petitioner G. Daxina Murthy w.e.f. 11-9-1989 is justified and that the Petitioner is not entitled for any relief under this reference. The reference is thus answered. The parties are directed to bear their costs.

Dictated to the Stenographer, transcribed by him, corrected by me and given under my hand and the seal of this Tribunal, this the 19th day of October, 1995.

A. HANUMANTHU, Industrial Tribunal-I.

Appendix of Evidence.

Witnesses Examined for the Petitioner :

W.W1 G. Daxina Murthy

Witnesses Examined for the Respondent :

M.W1 K. S. N. Sharma

Documents marked for the Petitioner—Workman .

Ex. W1 20-4-93 Telegram sent by M.W1 to the petitioner.

Ex. W2 23-4-88 Letter addressed to W.W1.

Ex. W3 23-4-88 Letter ref. postponement of enquiry against the workman addressed to W.W1.

Ex. W3(a) Consents enclosed to Ex. W3.

Ex. W4 20-12-89 Letter regarding terminal benefits.

Ex. W5 27-12-89 Representation submitted to Management by W1.

Ex. W6 .. Postal acknowledgement to Ex. W5.

Ex. W7 9-1-90 Letter enclosing the removal order.

Ex. W8 .. Removal order issued to the petitioner.

Ex. W9 .. Appeal filed by the petitioner.

Ex. W10 .. Mercy appeal (Memorial under Regulation 49 in respect of the Appeal) filed by the workman.

Ex. W11 9-8-89 Letter dt. 9-8-89 and 25-8-89 addressed to Sr. Divisional Manager, LIC Divisional Office, Hyderabad.

Documents marked on behalf of the Respondent—Management.

Ex. M1 19-8-87 Enquiry Officer appointed order.

Ex. M2 .. Charge Sheet.

Ex. M3 16-6-87 Xerox copy of the written statement.

Ex. M4 .. Enquiry Proceedings and report.

Ex. M5 .. Postal acknowledgement.

Ex. M6 .. Postal acknowledgement.

नई दिल्ली, 7 दिसम्बर, 1995

का.आ. 3339.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इलाहाबाद बैंक के प्रबंधन के संबंध नियोक्तों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-12-95 को प्राप्त हुआ था।

[संख्या एल-12012/629/86/-डी II ए/आईआरबी 2)]

ब्रज मोहन, डेस्क अधिकारी

New Delhi, the 7th December, 1995

S.O. 3339.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Allahabad Bank and their workmen, which was received by the Central Government on 5-12-1995.

[No. L-12012/629/86-D. IIA/IR(B. II)]

BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT.

PANDU NAGAR, KANPUR

Industrial Dispute No. 86 of 1995

In the matter of dispute between :

Sri Devendra Dutt Mishra C/o Allahabad Bank,
Sri P. C. Bajpai, Allahabad Bank, Swarup
Nagar, Kanpur.

AND

The Deputy General Manager,
Allahabad Bank,
Hazaratganj,
Lucknow.

AWARD

1. Central Government, Ministry of Labour, New Delhi vide its Notification No. L-12012/629/86-D.II (A)IR(B.II) dated 14th July, 1995, has referred the following dispute for adjudication to this Tribunal—

Whether the action of the management of Allahabad Bank in terminating the services of Sri Devendra Dutt Mishra w.e.f. 3-4-82 and not considering him for further employment while recruiting fresh hands in terms of section 25H of I.D. Act is justified? If not, to what relief is the said workman entitled?

2. In the instant case despite issue of notice neither the workman appeared nor filed statement of claim. It thus appears that the concerned workman is not interested in prosecuting his claim.

3. Therefore, in view of above the reference is decided against the concerned workman for want of pleading and proof.

4. Reference is answered accordingly.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 7 दिसम्बर, 1995

का.आ. 3340 औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इंडियन ओवरसीस बैंक के प्रबंधन के संबंध नियोक्तों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण, कलकत्ता के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-12-95 को प्राप्त हुआ था।

[संख्या एल-12012/354/91-आईआरबी-2]

ब्रज मोहन, डेस्क अधिकारी

New Delhi, the 7th December, 1995

S.O. 3340.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Indian Overseas Bank and their workmen, which was received by the Central Government on 6-12-1995.

[No. L-12012/354/91-IR(B-II)]

BRAJ MOHAN, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

Reference No. 14 of 1992

AWARD

PARTIES :

Employers in relation to the management of
Indian Overseas Bank.

AND

नई दिल्ली, 1 दिसम्बर, 1995

Their Workmen.

PRESENT :

Mr. Justice K. C. Jagadeb Roy, Presiding Officer.

APPEARANCES :On behalf of Management : Mr. V. Raja Rao,
Advocate with Ms. G. Ghosh, Advocate.On behalf of Workman Mr. P. Mukherjee,
Advocate.**STATE :** West Bengal. **INDUSTRY :** Banking.**AWARD**

By Order No. L-12012/354/91-IR(B.II) dated 127-3-1992, the Central Government in exercise of its powers under section 10(1)(d) and sub-section (2A) thereof of the Industrial Disputes Act, 1947, referred the following dispute to this Tribunal for adjudication :

"Whether the demand of the All India Overseas Bank Employees Union that Shri S. K. Hazara is entitled for teller duties and Special Allowance w.e.f.1-10-1990 is justified? If so, to what relief is the workman entitled to?"

2. This is a reference case of the year 1992. The parties filed their written statements followed by a rejoinder by the workmen dated 24-5-1993. Notice of hearing was given to both the parties which were received by the management on 21st February, 1995 and by the vice president of the Employees Union on 20th February, 1995 intimating them the fixation of the case to 7-3-1995 for hearing.

3. Even though it was for the workmen to begin their evidence, no steps has been taken by the workmen to lead their evidence in the case and by order dated 14-5-1995 the Tribunal indicated that as a last chance the case was adjourned to 16-11-1995 for the workmen to lead their evidence, failing which necessary orders be passed. When the case was called on 16-11-1995 the management appeared through Miss Ghosh, learned counsel but none appeared for the workmen. It is submitted by the management that since the workmen had taken no steps in leading their evidence in spite of notice to them as far back as in the 3rd week of February, 1995 and several adjournments were given thereafter, it should be taken that the workmen have given up their case.

4. I do not find any materials in the record to show that the workmen were prevented to present their case before the Tribunal for any good reason and hold that the workmen have given up their case. I accordingly pass a "No Dispute" Award in this reference case.

The reference is thus disposed of.

Dated, Calcutta,

The 20th November, 1995.

K. C. JAGADEB ROY, Presiding Officer

क.आ. 3341 औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-11-95 को प्राप्त हुआ था।

[संख्या एल - 12012/110/82 - डी 3 (ए)]

पी. जे. माईकल, डेस्क अधिकारी

New Delhi, the 1st December, 1995

S.O. 3341.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of SBI and their workmen, which was received by the Central Government on 29-11-1995.

[No. L-12012/110/82-D-3(A)]

P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING
OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 48 of 1989

In the matter of dispute

BETWEEN

Sri S. C. Srivastava,
Village Pure Anant Ram,
Post Office Inayatpur,
District Sultanpur.

AND

General Manager,
Bhartiya State Bank,
The Mall, Kanpur.

AWARD

1. Central Government, Ministry of Labour, vide its Notification No. L-12012/110/82-D-3(A), dated 10th February, 1989 has referred the following dispute for adjudication to this Tribunal—

Whether the action of the management of State Bank of India, Local Head Office, Kanpur in dismissing Sri S. C. Srivastava—

va, Godown Keeper Barabanki vide their letter No. 1408 dt. 5-6-72 is justified? If not, to what relief the concerned workman is entitled?

2. This reference has got a chequered history. It also illustrates how sometimes management wittingly or unwittingly punish their employee virtually on no evidence.

3. The concerned workman S. C. Srivastava was posted as Godown Keeper in the Balrampur Branch of opposite party State Bank of India some times in the year 1967 and 68. At that time A. B. Dubey was also posted in Balrampur Branch while Hari Mohan was posted as Agent of opposite party bank at Faizabad. It is alleged that the above mentioned Hari Mohan had drawn a cheque for Rs. 640.50 paisa in favour of A. B. Dubey, which he had sent by ordinary mail to Balrampur Branch where the letter was posted. It is further alleged that the concerned workman intercepted the cover containing the cheque at Balrampur Branch which he carried to Varanasi. There he set up a fictitious person as A. B. Dubey and got him identified by one P. N. Gupta another employee of State Bank of India who is since dead. Further the concerned workman is also alleged to have identified him and on the basis of this false identification, the concerned workman withdrew Rs. 640.50 paisa of this cheque. Further in order to obliterate the evidence he visited Faizabad and got the cheque removed from there. It may be mentioned that this cheque was to be cashed at Faizabad.

4. On the basis of above averment after obtaining the explanation of the concerned workman, the delinquent was charged on 23-9-68 for the following misconducts :—

- (i) That you surreptitiously removed a cover containing a cheque for Rs. 640.50 paisa drawn by Sri Hari Mohan Staff Officer addressed to Sri A. B. Dubey, clerk at the Branch in the month of March, 1968.
- (ii) That you visited Varanasi Branch on 27th March, 1968 and introduced a person with a fictitious name of A. B. Dubey to enable him to encash a cheque of Rs. 640.50 paisa drawn by Sri Hari Mohan Agent, State Bank of India, Faizabad. You thus committed and/or aided and abetted in the preparation on the fraud on the bank.
- (iii) That with a view to cover up your above misdeed you visited Faizabad Branch on 2nd April and stayed there for 2 to 3 hours and removed of the cheque in question from branch records.

5. One B. N. Kapoor an officer of the bank was appointed Enquiry Officer. After concluding enquiry he submitted his report and find that all the three charges were proved against the concerned workman. The management issued notice dt. 8-9-71 to show cause as to why he should not be dismissed from service. There upon the concerned workman filed suit No. 4 of 1972 in the Barabanki Civil Court and an interim injunction was issued to the management not to dismiss the workman from service. In defiance of this order the concerned workman was dismissed from service on 2-2-72 during the pendency of suit. However ultimately the suit was dismissed on 25-10-80 on the ground that Civil Court had no jurisdiction to try the suit and it was an industrial dispute. There upon the concerned workman took up the matter before the ALC (Centre). He too declined to refer the dispute. The concerned workman filed writ petition No. 4404/84. Hon'ble High Court by judgment and order dt. 31-10-88 allowed writ petition and directed appropriate Government to refer the dispute. It is how this reference has been sent to this Tribunal.

6. In its written statement, the concerned workman denied that he ever was involved in cheque, its encashment and ultimately removal of cheque. This all is the handiwork of management of the bank who were ill disposed towards him because of his Trade Union activities. In order to show that the management was actuated with malice against him it was also alleged that the management had indulged in frequent transfer of the concerned workman from one place to another place and then denial of salary. It was also alleged that the enquiry was not properly and fairly held. Further the holding of charge and ultimate punishment has also been assailed on the ground that the person who issued chargesheet and passed show cause notice and punishment orders were not a competent persons.

7. The opposite party has filed reply alleging that the enquiry was conducted fairly and properly. It was reaffirmed that the concerned workman was guilty of all the three misconduct for which charges were framed and he has been rightly punished. The claim is also alleged to be stale.

8. In the rejoinder nothing new has been said.

9. My learned predecessor had framed four preliminary issues regarding domestic enquiry on which the concerned workman has filed his affidavit. Whereas an officer of the bank G. S. Nigam had filed affidavit on behalf of opposite party. Further the copies of all the papers concerning domestic enquiry were also filed. This tribunal vide order dt. 22-5-95, had held that domestic enquiry was vitiated. Hence, management was afforded opportunity on their request to prove the three misconducts on merits. Thereafter no fresh

papers were filed. Still the management examined Hari Mohan P.W.1, A. B. Dubey P.W.2, K. M. Shukla P.W.3 and S. L. Agrawal P.W.4. In rebuttal only S. C. Srivastava has examined himself as D.W.1.

10. Now the gist of evidence of the management may be given.

11. Hari Mohan P.W.1 stated that in 1968 he was posted as Agent at Faizabad Branch and in that course he had sent a cheque in the name of A. B. Dubey for Rs. 640.50 paisa by post. Later on he was informed that this cheque had not reached to A. B. Dubey. Further its money had been encashed by some one. Later on he was informed that S. C. Srivastava had withdrawn this amount.

12. From his evidence only this much is proved that a cheque was drawn in favour of A. B. Dubey as alleged by him which was sent by mail to Balrampur Branch. It is not disputed that at that time the delinquent was posted at Balrampur Branch. From this it cannot be deduced that the concerned workman had intercepted the cover containing the cheque specially keeping in view the fact that the concerned workman was only a godown keeper and has not to deal with mails of the branch. The evidence of this witness that later on he was informed that S. C. Srivastava had withdrawn the amount is based on hearsay evidence and not on his personal knowledge. As such this statement cannot be said to be incriminating against the concerned workman.

13. Next witness is A. B. Dubey. His only evidence is that his brother had informed that cheque was not received. His further evidence is that he had not realised Rs. 640.50 paisa. It is obvious that this evidence is also in no way inculcates the delinquent.

14. S. D. Agrawal P.W.4, has stated that in March, 1968, he was also posted as First Accountant in relevant branch of the opposite party bank. At that time one cheque in the name of A. B. Dubey was drawn by Hari Mohan for Rs. 640.50 paisa. Its payment was to be made at Faizabad. At that time P. N. Gupta, was a clerk in this branch of Varanasi. That P. N. Gupta, (since deceased) came to his room alongwith a stranger. This P. N. Gupta introduced that stranger as A. B. Dubey and said that personally he did not know this A. B. Dubey. The identity of A. B. Dubey had been made by S. C. Srivastava whom he knows. Hence Gupta intregated this witness to make payment. Thereafter he said that he should not A. B. Dubey identified by S. C. Srivastava on the cheque. Thereupon P. N. Gupta obtained signatures of S. C. Srivastava on the cheque by way

of identifications. Then he obtained the signatures of A. B. Dubey and the cheque was sent to D.D. Purchase Section. In his cross examination he has conceded that S. C. Srivastava who was standing at that time before this tribunal was not brought before him. He also did not ask P. N. Gupta for identification of S. C. Srivastava in his presence. In my opinion, its witness had not properly dealt with the matter. Had he insisted for identification of S. C. Srivastava in his presence it would have helped a long way in establishing the case against the concerned workman. Since S. C. Srivastava never appeared before this witness it cannot be said that it was actually the delinquent who had appeared before this witness. Hence, in my opinion, his evidence in no way would prove S. C. Srivastava had any hand in the encashment of this cheque and identification of so called fictitious A. B. Dubey. The trend of his evidence would go to show that if any wrongful act was done at all in this regard, it would have been handiwork of P. N. Gupta. There is nothing on record if any action was taken against P. N. Gupta by the bank, in this regard or not. Even according to evidence of this witness P. N. Gupta was also involved alongwith S. C. Srivastava. Hence atleast some action would have been taken against Gupta. In any case the evidence of this witness does not inculcate the concerned workman well as the false identification of A. B. Dubey and withdrawal of Rs. 640.50 paisa.

15. Now we are left with the evidence of K.M. Shukla, P.W.3. His evidence is that at the material time he was posted in Faizabad Branch of the opposite party bank and was incharge of current account. His further evidence is that one cheque was received by him. After tallying the same he had passed it. It was in the name of A. B. Dubey and which was issued by Hari Mohan. He has further stated that payment of this cheque was made at Varanasi Branch. Later on it was sent through transfer scroll. It was later on sent in cash section. Next day he had seen P. N. Gupta and the concerned workman in the branch. That day he suddenly fell ill and with the permission of the branch manager he left the office. Thus his only evidence is that P. N. Gupta and S. C. Srivastava were seen in Branch. From this evidence it is sought to be proved that S. C. Srivastava would have removed the cheque from the bank.

16. In my opinion, this evidence in no way would go to prove that concerned workman would have removed the cheque from Faizabad branch. The authorised representative of the opposite party bank has submitted that it is quite possible that in the absence of concerned employee of the bank and the concerned workman taking advantage of his being employee of the opposite party bank would have removed the cheque. This contention is not based on any evidence. It is based on

presumption and assumption, hence cannot be accepted.

17. From the above review of evidence it will be evident that there is not an iota of evidence to prove that the concerned workman had intercepted the cheque at Balrampur branch which was issued by Harimohan in favour of A. B. Dubey.

18. In this way charge no. 1 is not proved.

19. As regards charge no. 2 in my opinion, the evidence of S. D. Agarwal as examined above does not prove that the concerned workman had no hand in identification of A. B. Dubey and withdrawal of amount.

20. I am further of the view that charge no. 3 is also not proved from the evidence of K. M. Shukla in any manner.

21. I am not oblivious of the preposition of law that standard of proof in industrial law is not the same as in common law. Here the principle of strict proof is not required. Instead issue is to be decided on the basis of probability of the case and evidence. I have examined the case and evidence of the management on this aspect of the case and feel that the case of the management is not even probabalised on the basis of above evidence.

22. As the case of the management has not been proved it is not necessary to examine the plea of alibi of the concerned workman.

23. In the end, I am of the opinion, that if there was any illegal withdrawal of the money of the cheque in question there is strong possibility that it would have been handi work of P. N. Gupta. In other words he appears to be the villain of the whole show.

24. I also feel convinced about the contention of the concerned workman that he has been falsely implicated because of his trade union activity which is evident from his frequent transfer and non payments of his salary. It all shows that he was being harassed on this score.

25. In the end since all the charges against the concerned workman have been found to be not proved, his dismissal of service by the opposite party bank is illegal. However he will not be entitled for reinstatement and back wages from the date of his dismissal as he himself had delayed the reference by approaching wrong forum.

26. Hence my award is that he should be reinstated in service from the date of reference and he should also be given back wages from that date. He shall also get Rs. 200/- as costs of the case.

27. Reference is answered accordingly.

Date : 23-11-1995.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 6 दिसम्बर, 1995

का. आ. 3342.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सुलतान क्षेत्रीय ग्रामीण बैंक के प्रबंधन के संयुक्त नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-12-95 को प्राप्त हुआ था।

[संख्या एल - 12012/20/92-आई आर बी-III/बी आई]

पी जे. माईकल, डेस्क अधिकारी

New Delhi, the 6th December, 1995

S.O. 3342.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Kanpur as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of Sultanpur Kshetriya Gramin Bank and their workmen, which was received by the Central Government on 5-12-95.

[No. L-12012/20/92-IRB-III/BI]

P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM-LABOUR-COURT PANDU NAGAR, KANPUR

Industrial Dispute No. 75 of 1992

In the matter of dispute between :

Dhuuni Lal
S/o. Ram Nivas
Vill & Post Saitha
Pargana Amethi
District Sultanpur

AND

Chief Manager
Sultanpur Kshetriya Gramin Bank
Civil Lines Sultanpur

AWARD

1. Central Government Ministry of Labour vide its Notification No. L-12012/20/92-I.R.(B-3) dt. 1-6-92, has referred the following dispute for adjudication to this Tribunal—

“Whether the action of the management of Sultanpur Kshetriya Gramin Bank in terminating the services of Sri Dhunni Lal s/o Sri Ramnivas daily rated worker w.c.f. 17-3-91 is justified? If not, to what relief the concerned workman is entitled to?”

2. It is unnecessary to give facts of the case. Suffice it to say that the concerned workman Dhunni Lal had raised industrial dispute in respect of his alleged illegal termination of his services by order dt 17-3-91 by the opposite party Sultanpur Kshetriya Gramin Bank Sultanpur.

3. Earlier the case as reserved for award. While perusing file it was found that there is conflict regarding date of termination as given in the pleading and as mentioned in the reference order. In para (3) of the claim statement date of termination has been shown to be 19-11-90 whereas in the reference order it is 17-3-91. Opportunity was given to the concerned workman to explain this variance between his pleading and the reference order and get the reference amended. Instead of doing so the concerned workman has moved an application asking this Tribunal to get the reference order amended. In my opinion, it is none of the business of this Tribunal to seek modification. If the concerned workman was interested at all he ought to have got it done. In its absence, hard fact remains that there is variance about the date of terminating order in the claim statement and reference order.

4. Since according to own showing of concerned workman his services were not terminated on 17-3-91, its validity cannot be examined in this reference as this tribunal is not supposed to travel beyond the scope of reference.

5. In view of above incoherence the answer to this reference is against the concerned workman and consequently the concerned workman is entitled for no relief.

6. Reference is answered accordingly.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 6 दिसम्बर, 1995

का.आ. 3343.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसारेण में, केन्द्रीय सरकार भारतीय स्टेट बैंक, के प्रबन्धन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में

निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चंडीगढ़ के पंचपट को प्रकाशित करता है, जो केन्द्रीय सरकार को 5-12-95 को प्राप्त हुआ था।

[संख्या एल-12012/414/86-डी-II(A) आर्डर आर बी आई]

पी.जे. माईकल, डेस्क अधिकारी

New Delhi, the 6th December, 1995

S.O. 3343.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Chandigarh as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of State Bank of India, and their workmen, which was received by the Central Government on 5-12-1995.

[No. L-12012/414/86-D II(A)|IRBI]

P. J. MICHAEL, Desk Officer

ANNEXURE

IN THE COURT OF SHRI S.R. BANSAL,
PRESIDING OFFICER

CENTRAL TRIBUNAL-CUM-LABOUR
COURT, CHANDIGARH.

Ind. D. No. 65/87.

Raj Kumar s/o Faqir Chand. . . Workman.

Versus

State Bank of India, Regional Office, Punjab,
Chandigarh. . . Management.

PRESENT :

Shri T. C. Sharma. Representative for the
workman.

Shri Netan Kumar, Representative for the
Management.

AWARD

The Central Government in exercise of powers vested under Section 10(1)(d) of the Industrial Disputes Act, 1947, vide order bearing No. L-12012/414/86-D-II(A) dated 18-8-1987, referred the following dispute for adjudication to this Court :—

“Whether the action of the management—State Bank of India Region V, Regional Office, Punjab in dismissing the services of Raj Kumar Sub-Staff is justified? If not, to which relief the claimant workman is entitled to?”

On receipt of the above said reference, a notice was sent to the parties and on appearance the workman submit his statement of claim. It was mentioned in the said claim statement by the workman that the management terminated his service vide order dated 12-12-1983 in an illegal and unjustified manner without affording reasonable opportunity of hearing. It was admitted that the Management issued a charge-sheet vide letter dated 10-5-1982 and he submitted reply thereto and thereafter an Enquiry Officer was also appointed by the Management. The workman, however, alleged that the appointment enquiry officer was not made in accordance with the provisions of Desai Award and read with bi-partite settlement and the proceedings were not also properly held in accordance with the prescribed procedure. The respondent Management filed written statement of the claim statement and denied assertions of the workman as in the claim statement. It was submitted that the impugned order was passed by the Management perfectly in accordance with law and after following the prescribed procedure. The workman also submitted a rejoinder to the written statement and reiterated his stand as taken in the claim statement.

With a view to adjudicate upon the matter, both the parties were afforded opportunity to lead evidence. While the workman filed affidavit Exhibit W.1, the Management led their evidence in the form of the affidavit of Shri B. R. Sharma, employee of the respondent Management. Both the witnesses were also produced in the witness-box for cross-examination. In his affidavit Exh. W.7, the workman deposed that he joined the service of the State Bank of India on 10-12-1977 and after completion of the probationary period, he was confirmed in the service of the Bank. He further deposed that while he was posted in the Chuhan Chak Branch of the Bank, he was served with a charge-sheet vide letter dated 10-5-1983 and he submitted his reply thereto on 20-5-83. It was further deposed that Respondent Management thereafter appointed as enquiry officer, but the appointment of the enquiry officer was not made in accordance with the provision of the Desai Award and the enquiry officer did not hold the enquiry strictly in accordance with the procedure prescribed by the Bank. It was also alleged by the workman that material witnesses were not produced by the Bank and the relevant evidence was intentionally withheld. According to the workman the disciplinary authority did not properly apply its mind before inflicting upon him the punishment of dismissal from service. The deponent on behalf of the Respondent Management vide his affidavit Exhibit M.3, however, submitted that the enquiry was conducted in a fair manner and reasonable opportunity was duly afforded to the workman. It was also deposed that all the proceedings were taken by the enquiry officer in the presence of the workman.

I have heard the representatives of the parties and have also gone through the various documents produced of the record carefully. Exhibit M.1 is the charge sheet issued to the workman which reveals that the workman had submitted a forged certificate of qualification in the Bank at the time of his initial appointment and the charge-sheet contained the allegations concerning thereto. The charge framed against the workman is obviously pretty serious as using a forged document for purposes of securing employment constitutes a criminal offence as well. Exhibit M.2 are the proceedings of the enquiry officer which reveal that the enquiry officer took considerable time for completing the enquiry. I have carefully gone through the enquiry report and find that the enquiry officer afforded proper opportunity to the workman disproving the charge framed against him. The workman was represented by one Shri Kashmiri Lal Aggarwal who cross-examined the witnesses produced against the workman at length the workman had also been associating himself with the enquiry proceedings on all the dates. The enquiry officer specification put the question, "Should I treat the enquiry as closed from the defence side," and the representative of the defence on behalf of the workman categorically replied to this question as "Yes". This clearly means that the workman closed his defence voluntarily and the enquiry officer thereafter finally closed the enquiry and submitted his findings to the competent authority. The enquiry proceedings stands signed by the workman, besides his representatives on all the dates on which the enquiry was conducted. The charges against the workman was finally proved by the enquiry officer on the basis of which the competent authority in the Bank passed the impugned order dismissing the workman from the service of the Bank. Before passing the final impugned order, the workman was also afforded due opportunity to submit his reply to the show cause notice and I absolutely find no lapse on the part of the enquiry officer or even the punishing authority before imposing the penalty upon the workman. The stand of the workman that due notice was not displayed on the Notice Board with regard to the appointment of the enquiry officer is just meaningless; particularly when the workman had voluntarily participated in the enquiry and the enquiry was conducted on all the dates in his presence. The objections as raised by him in his claim statement as also in the affidavit Exhibit W.1 are without any force. The perusal of the record clearly reveals that the respondent management followed the rules and the procedure meticulously and the impugned order of dismissal from service as passed by the respondent management against the workman ap-

pears to be legally justified. The reference of the Central Government is answered accordingly and the workman is not entitled by any relief.

CHANDIGARH.

Dated : November 20, 1995.

S. R. BANSAL, Presiding Officer

नई दिल्ली, 6 दिसम्बर, 1995

का. आ. 3344.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, नार्थन रेलवे के प्रबन्धकों के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-12-95 को प्राप्त हुआ था।

[संख्या एन - 41012/83/94 - आईआरबी - I]

पी. जे. माईकल, डेस्क अधिकारी

New Delhi, the 6th December, 1995

S.O. 3344.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of Northern Rly. and their workmen, which was received by the Central Government on 5-12-95.

[No. L-41012/83/94-IRB-I]

P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 92 of 1995

In the matter of dispute between:

Zonal Working President,
Uttar Railway Karamchhari Union,
96/196 Roshan Bajaj Lane
Ganesh Ganj,
Lucknow.

AND

The Senior D.S.T.E.
Northern Railway,
Moradabad.

AWARD

1. The Central Government, Ministry of Labour, New Delhi vide its Notification No. L-2940 GI/95—9

41012/83/94-IR. (B-I) dated 19-7-95 has referred the following dispute for adjudication to this Tribunal—

Whether the action of the Deptt. of Railways by discharging Shri K. B. Saxena, Electric Signal Maintainer from services w.e.f. 29-12-1982 is legal & justified? Whether the period from 29-12-1982 to 13-3-1989 is to be considered as on continuous services? And whether the reduction in rank of Shri K. B. Saxena from the post of Electrical Signal Maintainer to Signal Khalasi w.e.f. 14-3-89 is legal and justified? If not, to what relief the workman is entitled to?"

2. In the instant case despite issue of notice neither the workman appeared nor filed statement of claim. It thus appears that the concerned workman is not interested in prosecuting his claim.

3. Therefore, in view of above the reference is decided against the concerned workman for want of pleadings and proof.

4. Reference is answered accordingly.

Di. 24-11-95

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 6 दिसम्बर, 1995

का. आ. 3345.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, स्टेट बैंक ऑफ़ बीकानेर एवं जयपुर के प्रबन्धकों के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-12-95 को प्राप्त हुआ था।

[संख्या एन - 12012/146/92 - आईआरबी-III/बी - I]

पी. जे. माईकल, डेस्क अधिकारी

New Delhi, the 6th December, 1995

S.O. 3345.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Kanpur as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of State Bank of Bikaner & Jaipur and their workmen, which was received by the Central Government on 5-12-95.

[No. L-12012/146/92-IR B-III/BI]

P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA PRESIDING
OFFICER, CENTRAL GOVERNMENT INDUS-
TRIAL TRIBUNAL-CUM-LABOUR COURT,
PANDU NAGAR, KANPUR

Industrial Dispute No. 135 of 1992

In the matter of dispute between :

Nand Lal Pandey

S/o Ram Nath Pandey

B-1/9 Assi Beharas Hindu Vishwavidyalaya
Varanasi.

AND

General Manager,

State Bank of Bikaner & Jaipur
Tilak Marg, Jaipur.

AWARD

1. Central Government, Ministry of Labour,
New Delhi vide its notification No. L-12012/146/
92-I.R. (B-3) dt. 23-11-1992. has referred the
following dispute for adjudication—

Whether the action of the management of
State Bank of Bikaner & Jaipur in termi-
nating the services of Sri Nand Lal
Pandey w.e.f. 29-6-91 is justified? If
not to what relief the workman is entitled
to ?

2. The concerned workman Nand Lal Pandey
in his written statement alleged that he was ap-
pointed as worker in the opposite party State
Bank of Bikaner & Jaipur by order dt. 10-12-84.
He has given the details of days for which he has
worked in the claim statement from which it ap-
pears that he had worked for more than 240 days
in a calendar year. His services have been termina-
ted by order dt. 29-6-91, without payment of re-
trenchment compensation and notice pay. As
such his termination is bad in law.

Opposite party has filed written statement
denying these allegations. After filing of pleadings
the concerned workman started absenting himself
in spite of notice. Ultimately the case was reserved
for award. In my opinion, merely by filing plead-
ings the case of the concerned workman cannot
be said to be proved.

4. As the concerned workman has failed to
prove its case it is held that the action of the
management bank in terminating the services of
the concerned workman by order dt. 27-11-92 is
justified. As such the concerned workman is en-
titled to no relief.

5. Reference is answered accordingly.
Dt. 24-11-95

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 6 दिसम्बर, 1995

का.आ. 3346—औद्योगिक विवाद अधिनियम, 1947
(1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय
सरकार, छत्रसाल ग्रामीण बैंक के प्रबंधन के संयुक्त
नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट
औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण,
कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार
को 5-12-95 को प्राप्त हुआ था।

[संख्या एल-12012/202/93-आईआर 3(बी-1)]

पी.जे. माइकल, डेस्क अधिकारी

New Delhi, the 6th December, 1995

S.O. 3346.—In pursuance of Section 17 of the
Industrial Disputes Act, 1947 (14 of 1947), the
Central Government hereby publishes the award
of the Central Government Industrial Tribunal,
Kanpur as shown in the Annexure, in the in-
dustrial dispute between the employers in relation
to the management of Chhatrasal Gramin Bank
and their workmen, which was received by the
Central Government on 5-12-95.

[No. L-12012/202/93-IR3(BI)]

P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA PRESIDING
OFFICER CENTRAL GOVERNMENT INDUS-
TRIAL TRIBUNAL-CUM-LABOUR COURT,
PANDU NAGAR, KANPUR

Industrial Dispute No. 29 of 1995

In the matter of dispute between :
Shri Ramesh Chandra Swarankar,
C/o Km. Meenu Soni,
119/78, Kaushalpuri,
Kanpur.

AND

The Chairman,
Chhatrasal Gramin Bank,
Orai,
Distt-Jalaun.

AWARD

1. Central Government, Ministry of Labour, New Delhi vide its notification No. L-12012/202/93-I.R.B.I dated 21-2-95, has referred the following dispute for adjudication to this Tribunal —

Whether the action of the management of Chairman Chhatrasal Gramin Bank, Orai Dist. Jalaun in terminating services of Shri Ramesh Chand Swarankar S/o late Ram Shankar w.e.f. 25-3-1984 and providing no opportunity for re-employment is legal and justified? If not then what relief the workman is entitled to ?

2. In the instant case despite issue of notice neither the workman appeared nor filed statement of claim. It thus appears that the concerned workman is not interested in prosecuting his claim.

3. Therefore, in view of above the reference is decided against the concerned workman for want of pleading and proof.

4. Reference is answered accordingly.

B. K. SRIVASTAVA, Presiding Officer

